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**Arrangements for testing
the acceptability in Hong Kong
of the
Draft Agreement on the Future of the Territory**

**Report of the Assessment Office
Report of the Independent Monitoring Team**

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29 November 1984

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Report by the Commissioner, Assessment Office
on the views expressed in Hong Kong
on the Draft Agreement
between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the
Government of the People's Republic of China
on the Future of Hong Kong

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Assessment Office,
Floor LG-3,
Supreme Court Building,
38 Queensway,
HONG KONG.

23 November 1984

His Excellency Sir Edward Youde, G.C.M.G., M.B.E.,
Governor of Hong Kong,
HONG KONG.

Sir,

The Assessment Office was established on 1 September 1984 with your appointment of the Commissioner.

2. Accommodation was provided by the Hong Kong Government in the newly completed Supreme Court Building where, with the kind agreement of the Chief Justice, a whole floor was made available to us. I should like to record my appreciation of the help given to us by the Registrar, Supreme Court, and his staff in making the necessary arrangements for us to move in. The first half of September was spent working out procedures and acquiring the necessary staff and equipment so that we were ready to start work well before 26 September 1984 when the White Paper on the draft agreement was published.

3. The period allowed for the expression of views in Hong Kong on the draft agreement was from the evening of the 26 September to 15 November 1984, just over seven weeks. As our report is to be published in London and Hong Kong by the end of November, very little time was available to us for its preparation. That we were able to complete it in time is entirely due to the hard work and determination of every member of the team of local officers seconded from the Hong Kong Government to form the staff of the Assessment Office. They have tackled this unique task with a high degree of enthusiasm and dedication.

4. The Hong Kong Government has readily made available all the resources of staff and equipment we have requested even though this has meant requiring other departments to make do without these resources during the assessment exercise: for this we are grateful.

5. We have sought to keep the members of the Monitoring Team informed of every aspect of our work and we have given them access to all the material available to the Assessment Office. While maintaining their independent role, they were able to make a number of constructive comments which have helped to improve our procedures.

6. We believe that we have complied in full with our terms of reference and that this report accurately reflects the views expressed by the people of Hong Kong on every aspect of the draft agreement and the extent of its acceptability. We have done our best to include everything of relevance to our task, but it has been neither appropriate nor practicable to cover every single point in detail.

7. I now have the honour to submit the report of the Assessment Office.

I am, Sir,
Your Obedient Servant,

(I. F. C. Macpherson)
Commissioner, Assessment Office.



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Introduction

1.1 On 18 July 1984, the Secretary of State for Foreign and Commonwealth Affairs, Sir Geoffrey Howe, described to the House of Commons in outline the arrangements which would be made to test the acceptability in Hong Kong of any agreement reached with the Chinese Government on the future of Hong Kong and announced the setting up of an Office in Hong Kong under the authority of the Governor to collate and assess public views.

The Terms of Reference

1.2 On 20 July 1984, the Governor announced the appointment of the then Acting Secretary for Home Affairs, Mr. J. F. C. Macpherson, to head the Office to be set up to assess and collate public views on a draft Sino-British Agreement. This appointment became effective on 1 September 1984.

1.3 The Assessment Office (hereinafter referred to as the Office) was formally established on 1 September 1984, under the authority of the Governor of Hong Kong, separate from the ordinary machinery of the Hong Kong Government. It is headed by the Commissioner who is required to report directly to the Governor. The objective of the Office is to provide Her Majesty's Government and Parliament, through the Governor of Hong Kong, with an accurate analysis and assessment of opinion in Hong Kong on the draft agreement between the Government of the People's Republic of China (PRC) and Her Majesty's Government, and on the arrangements for the future of Hong Kong as set out therein.

1.4 To this end, the terms of reference of the Office require it to: —

- (a) receive all views expressed on the draft agreement in writing directly to the Office, or indirectly through well established and familiar consultative channels in Hong Kong and the media;
- (b) collate, summarise, analyse and assess all such views expressed on the draft agreement;
- (c) submit to the Governor a Report which will include factual summaries of all views expressed and an overall assessment of the extent of acceptance by the people of Hong Kong of the draft agreement; and
- (d) carry out such directions as the Governor may from time to time give, to effect these purposes.

The Office was required to allow access to every aspect of its work by the Monitoring Team appointed by the Secretary of State for Foreign and Commonwealth Affairs.

The Role and General Approach

1.5 During the first half of September, prior to the publication of the White Paper, the Office made preparations for the task before it by devising the *modus operandi* to be adopted for the exercise. The Office came into full operation on 26 September 1984, the date on which the White Paper was published in Hong Kong. It has a complement of some fifty staff, including a small computer unit and a team of translators, seconded from the Civil Service and drawn from different departments of the Hong Kong Government. Additional support staff were taken on to deal with sudden increases in workload. An organisation chart is at *Appendix I*.

1.6 An independent Monitoring Team composed of the Rt. Hon. Sir Patrick Nairne, G.C.B., M.C., M.A. and the Hon. Mr. Justice Simon LI Fook-sean, was appointed by the Secretary of State for Foreign and Commonwealth Affairs. The Monitoring Team was required to observe all aspects of the work of the Office and to submit an independent report to the Secretary of State on whether it is satisfied that the Assessment Office has properly, accurately and impartially discharged its duties and has faithfully followed the procedures presented in its terms of reference.

1.7 In order to maintain its impartiality and thus its credibility, it was considered important that the Office should take care not to appear in any way to be influencing public opinion. The responsibility for publishing, publicising, interpreting and explaining the draft agreement rested, therefore, with the Hong Kong Government. The Office confined itself to an essentially passive approach towards the receipt of views on the draft agreement in compliance with section (a) of its terms of reference.

1.8 In order to tell the people of Hong Kong how to express their views on the draft agreement, the Office placed paid advertisements in all the major English and Chinese language newspapers on

27 September and 2 October 1984; follow-up advertisements appeared in 17 papers on 17 and 19 October 1984. Copies of these are at *Appendices II and III*. The first advertisement invited people either to send their views in writing to the Assessment Office via its Post Office Box No. 9000, or to express them verbally through "representative bodies such as District Boards or other community organisations to which you have access". It explained the task of the Assessment Office and went on to say that views expressed would be summarised and analysed and included in a report to the Governor which would then be sent to the Secretary of State. It stated that the Report together with the full text of main submissions from representative bodies would be published. This advertisement also made the point that the Office would not take anonymous letters into account and gave a contact telephone number for people to ring with enquiries. The second advertisement urged people not to leave their comments until too late, and underlined the points that views were invited not only on overall acceptability but on specific aspects as well, and that personal particulars would not be published or disclosed. It also stated that letters from individuals would be destroyed by mid-1985⁽¹⁾.

1.9 The intention had been that only the views sent in by organisations would be published, provided the organisations concerned did not object, and this was stated in the advertisements. That no mention was made in the first advertisement of the views put in by individuals led to the expression of some concern that personal particulars might in some way be disclosed. As soon as this concern was voiced the Office made it clear, in answer to press queries, that the confidentiality of personal particulars would be maintained. This was put beyond any possibility of doubt by the second advertisement.

1.10 On 1 October 1984 it was announced by the Hong Kong Government that the final date for views to be sent to the Assessment Office would be 15 November 1984. This meant that the period allowed for the expression of views on the draft agreement was just over seven weeks.

Modus Operandi

1.11 In order to comply with its terms of reference, the Office had to ensure that:—

- (a) submissions made directly or indirectly, through the various channels of consultation and through the media, were carefully and properly documented; and
- (b) all submissions were collated, accurately summarised and analysed, and factually assessed in the Report.

Thus, the task of the Office was essentially in two parts: documentation; analysis and assessment.

1.12 A series of Office Instructions to Staff was drawn up in September and was tested in a practice run from 12 to 18 September 1984 so that all staff fully understood the procedures adopted. Particular emphasis was placed at all times on security.

(A) Documentation and Disposal of Records

1.13 The following procedures were adopted:—

- (a) all letters relating to the draft agreement were registered in serial numbers and acknowledged. After registration these letters were passed to the assessment teams to be summarised and analysed;
- (b) tapes of public affairs programmes and newspaper cuttings used for assessment were separately documented and will be transferred to the Public Records Office in due course;
- (c) all letters from individuals (or groups of individuals) will be appropriately arranged and enclosed in numbered sealed boxes. These will be transferred to the Public Records Office in Hong Kong. After the ratification of the draft agreement, these records will be destroyed. All associated computer printouts and word-processor diskettes used for the purposes of assessment will be destroyed before the Office closes down;
- (d) submissions from organisations are available for public reference both in the United Kingdom and in Hong Kong except in cases where organisations have indicated they do not wish their submissions to be made public. In such cases, their letters will be treated in the same way as letters from individuals.

(1) Following the expression of anxiety by Legislative Councillors about the final disposal of records, and after consulting the Secretary of State, the Hong Kong Government issued a statement on 14.10.84 to the effect that submissions not annexed to the Report of the Assessment Office would be kept under seal in the Public Records Office in Hong Kong and subsequently destroyed after the ratification of the Joint Declaration.

(B) Classification and Collation of Information

1.14 The assessment work was carried out by assessors in teams, each responsible for maintaining detailed records and making summary reports on submissions⁽²⁾. The work between teams was divided by reference to a specific source of submission and to cover various sectors of the community:

Direct Source

from individuals
from representative bodies
from organisations and other groups
including professional, pressure and
community service groups
survey findings

Indirect Source

print media
(i) daily newspapers
(ii) magazines and periodicals
public affairs programmes on radio and
television
survey findings as reported in the media

1.15 All submissions were assessed with the exception of anonymous letters or letters ruled to be irrelevant. Anonymous letters were submitted to the Deputy Commissioner who referred them to the Monitors for verification of their anonymous status. Irrelevant and duplicate letters were referred to the Commissioner by the Deputy Commissioner with full justification before verification by the Monitors.

1.16 On the direction of the Governor under section (d) of the terms of reference, questions asked and suggestions made which are not relevant to the assessment task have been referred to the Hong Kong Government for attention.

(C) Summary, Analysis and Assessment

1.17 Every submission whether from a direct or indirect source was treated separately and was summarised on a standard form by the assessors. Twice weekly, each assessor provided an overall summary by source of the views received in the preceding period. These overall summaries were considered at Assessment Round-up Meetings, headed by the Commissioner and attended by all assessment staff. The Monitors were invited to attend these meetings and did so. At the meeting the views expressed were compared and analysed to determine an overall view and to identify trends. In this way the views collected over the assessment period formed the basis for the conclusions reached in the Assessment Report.

1.18 The arrangements described above worked smoothly and the Office was able to deal with all aspects of its task under its terms of reference.

(2) Computer facilities, as an aid to documentation, were used and its information was made available to senior staff and the Monitors at all times, on request.

Publication of the White Paper

2.1 The draft agreement on the future of Hong Kong was initialled in Beijing by the leaders of the British and Chinese delegations on 26 September 1984 and published in the form of a White Paper on the same day.

2.2 Paragraph 29 of the Introduction in the White Paper states that “Her Majesty’s Government have a duty to make clear beyond any possibility of misunderstanding the alternative to acceptance of the agreement set out in this White Paper. In their view, there is no possibility of an amended agreement. The alternative to acceptance of the present agreement is to have no agreement. In this case the Chinese Government has made it plain that negotiations could not be reopened and that it would publish its own plan for Hong Kong. There is no guarantee that such a unilateral plan would include all the elements included in the draft agreement, nor would it have the same status as a legally binding agreement between the two countries.”

2.3 Paragraphs 32 and 33 of the Introduction state that the Assessment Office would be providing an analysis and assessment of opinion in Hong Kong and conveyed an invitation to the people of Hong Kong to comment on the overall acceptability of the draft agreement against the background set out in the White Paper.

2.4 The draft agreement consists of:—

- * A Joint Declaration, in which the United Kingdom declares that it will restore Hong Kong to the People’s Republic of China in 1997, and the Chinese Government declares its basic policies towards Hong Kong;
- * Annex I in which the Chinese Government elaborates on its basic policies for Hong Kong in fourteen sections;
- * Annex II which sets out the provisions concerning the establishment of a Sino-British Joint Liaison Group up to the year 2000;
- * Annex III which deals with land leases and arrangements for the establishment of a Land Commission.

There is also an associated Exchange of Memoranda on the status of people who are now British Dependent Territories Citizens (BDTCs) after 1997, and related issues.

The Hong Kong Government’s Publicity

2.5 On the evening of 26 September 1984, the Governor of Hong Kong, Sir Edward Youde, delivered a statement on the draft agreement in the Legislative Council. His statement included an appeal to the community to read the White Paper and to come forward with their views. Radio Television Hong Kong (RTHK) carried the Governor’s speech to the Legislative Council live; and later on that evening, the Secretary of State for Foreign and Commonwealth Affairs’ press conference in New York was covered in full via satellite. The Governor’s special press conference on 27 September 1984 was also broadcast live in full.

2.6 The Hong Kong Government published a total of 2.7 million copies of the White Paper (one million in English and 1.7 million in Chinese). Immediately after publication, copies were sent to members of representative bodies and selected community organisations, commercial firms and professional bodies with an invitation to comment. The bulk of the printed copies was distributed free to the general public through Information Services Department’s Headquarters and Publication Centres, District Offices, police stations, post offices and public housing estate management offices. In all, 2.4 million copies were distributed.

2.7 The availability of the White Paper at the outlets described above was announced regularly through all radio and television stations. The contents of the White Paper were presented and discussed in different programmes on radio and television. The Governor and other senior government officials also emphasised on a number of occasions how important it was for the people of Hong Kong to state their views on the draft agreement to the Office.

Public Response

2.8 It is difficult to judge and even more difficult to quantify the scale of response to be expected from five and a half million people invited to express their views about a draft agreement crucial to their own future. In the event, the reaction of the many organisations, the character of the individual responses, and the attention devoted by the media showed the response from the community as a whole to have been vigorous and sustained throughout the whole period of consultation. Many organisations took the initiative to arrange group discussions and to conduct opinion polls so as to enable them to present their collective views either directly to the Office, or indirectly via other recognised channels of consultation. The media also played an important role in disseminating information and in reporting on the views expressed. The letters received were, in the main, well presented, coming as they did from people from all walks of life.

2.9 To form an impression of the significance of the response it is necessary, before quantifying the response, to describe and to analyse the background to the sources from which the views have been received.

(A) *The Media*

2.10 Hong Kong, having one of the highest newspaper readerships in Asia, has a flourishing free press, and is the Southeast Asia base for many newspapers, magazines and news agencies. Of the many Chinese-language dailies (totalling 70), some 30 papers cover news and public affairs. Of these, a dozen papers with an estimated total daily readership of about two million people cover discussions on the White Paper. Apart from the regional magazines such as *Asiaweek* and *The Far Eastern Economic Review*, there are altogether 459 periodicals, and of these, 20 are devoted mainly to news and public affairs. There are 10 radio channels in Hong Kong with territory wide coverage. The two enfranchised commercial wireless broadcasting stations, Television Broadcasts Ltd. (TVB) and Asia Television Ltd. (ATV) transmit a daily average of 70 hours of programmes. With more than 93% of households owning one or more television sets, the two stations reach an estimated 4.8 million viewers. A popular programme can attract as many as 2.4 million viewers.

2.11 The coverage of the draft agreement, has been widespread and sustained. Virtually every major newspaper, magazine, periodical and the electronic media, has covered the main and specific issues in the draft agreement. There is little question that the media network has made a major contribution towards the general public's broad understanding of the draft agreement itself and of general reaction to it.

2.12 The Office monitored and assessed 273 reports of discussions, debates, seminars, public speeches and interviews; 201 editorials; 416 feature articles and 104 letters to the press on the White Paper, from a total of eight English and 25 Chinese newspapers and magazines. This figure does not include a large number of news reports which were also monitored. The Office also assessed 55 hours of public affairs programmes on television and radio⁽³⁾.

(B) *Major Representative Bodies*

2.13 The terms of reference of the Office refer to the "well established and familiar consultative channels in Hong Kong". Hong Kong has over the years developed a unique and extensive system of consultation on major issues, through which opinion is gathered. A description of the process of consultation will indicate the pervasiveness and the depth of the consultation that has taken place which precedes the expression of views.

2.14 The Executive, Legislative and Urban Councils, the Heung Yee Kuk and the District Boards play a significant role in reflecting the views from a wide spectrum of society through their respective areas of influence. A description of these organisations is at *Appendix II*. Together they provide a balanced and effective representative platform for public consultation for the rural and urban population.

(3) The daily newspapers monitored by the Office included, —

(i) English language dailies—Hong Kong Standard, South China Morning Post,

(ii) Chinese language dailies—Hong Kong Daily News, Hong Kong Economic Journal, Hong Kong Times, Kung Sheung Daily News, Ming Pao, New Evening Post, Oriental Daily News, Sing Pao Daily News, Sing Tao Jih Pao, Ta Kung Pao, The Express, Tin Tin Daily News, Wah Kiu Yat Po, Wen Wei Po.

The magazines monitored by the Office included:

Asiaweek, Cheng Ming, China's Road Monthly, Chung Pao Monthly, Far Eastern Economic Review, Focus, Hong Kong Economic Journal Monthly, Ming Pao Monthly, Pai Shing Semi-Monthly, The Perspective, The Economist, The Mirror, The Nineties, Wide Angle and others with articles on Hong Kong e.g. Hong Kong Business Today, Newsweek, Time.

2.15 There are 18 District Boards with elected and appointed members which give geographical representative cover to the entire territory. The District Boards are linked by membership to the Area Committees of which there are one hundred. Each Area Committee covers roughly 50,000 people and consists of 15 to 25 members who are drawn from different sectors of the community including representatives of residents' associations such as the Mutual Aid Committees. In the New Territories, each Rural Committee is made up of village representatives, and its chairman is allocated a seat on the District Board.

2.16 Views of the community are obtained by the representative bodies through attendance at seminars, district discussion groups and informal meetings or meet-the-public sessions. These activities, organised by different sectors of the community and on different scales of public participation provide an effective way of bringing together the range of views expressed.

2.17 Public statements on the White Paper were made by the Executive Council, the Legislative Council, the Urban Council, the Heung Yee Kuk and the eighteen District Boards. The full texts of statements and debates and notes of discussions at District Board meetings are available for public reference. A summary of the debate in the Legislative Council is at *Appendix V*.

(C) Organisations and Other Groups

2.18 There is a network of organisations and groups throughout every level of society in Hong Kong. Although they differ in membership and influence, together, they cover virtually every sector of the community. Most influential organisations have either written to the Office, or have made statements to the media. They include professional bodies, business, education, civil service, financial and industrial associations, religious groups, pressure groups, community and traditional bodies, trade unions, associations of residents and welfare organisations.

2.19 679 organisations and groups presented their views in writing to the Office. Of this number 430 were from properly constituted organisations writing in to express the views of the members they represent; 249 were from groups of individuals whose views had been collected together by, for example, the management of a firm, the head of a government department, the headmistress of a school, the staff of a voluntary agency and sent in as a batch to the Office. In some cases, groups of individuals from the same area or with a common background used questionnaires or stencilled letters. All these were treated as single group submissions.

2.20 Many organisations took great care in obtaining the views of their members and in preparing carefully worded statements. A list of the organisations which have not objected to their names being published is at *Appendix VI*. Separately, copies of the submissions from organisations which have agreed to their publication are available for public reference. An explanatory note on trade unions, the religious community and traditional bodies in Hong Kong is at *Appendix VII*.

(D) Letters from Individuals

2.21 Letters from individual members of the public came from all sections of the community including professionals, academics, housewives, students and factory workers. Many of them were written in great detail and contained thoughtfully expressed views on every aspect of the draft agreement. The Office received 1,815⁽⁴⁾ letters from this source. As suggested in some newspapers⁽⁵⁾ people would not write in if they found the draft agreement acceptable; nor would they find it necessary to write in if their views had already been reflected in the media or by the organisations or groups to which they belonged or had access. Statements that the draft agreement could not be altered were also described as a disincentive to written response.

2.22 There were suggestions that fear of disclosure of personal particulars was a deterrent factor. The volume and content of response from individual members of the public before and after the Government's announcement that individual letters would be destroyed showed no change. It is, therefore, not possible to draw any meaningful conclusion about the significance of confidentiality as a deterrent factor.

(4) Of this number 181 were anonymous and 179 were either irrelevant or duplicate.

(5) Hong Kong Daily News 31.10.84 Wah Kiu Yat Po 4 & 7.11.84

(E) *Opinion Surveys*

2.23 The Office was aware of 23 opinion surveys. The methodology used varied from household surveys, telephone surveys, self-administered questionnaire surveys to street polls. The sample size ranged from 56 to 6,124, and about 25,000 people were interviewed. The trend of opinion from these surveys is illustrated in *Appendix VIII*.

Summary

2.24 In accordance with the classifications by main source, the pattern of response to the draft agreement during the consultation period is indicated below:



2.25 As stated in paragraph 2.8 it is difficult to judge what constitutes a good response in the circumstances of this unique exercise. It has not been possible to determine the extent to which the perception that the draft agreement could not be altered affected overall response. Similarly, although assurances were given by the Secretary of State that the views expressed on all points of the draft agreement would be of value to the British Parliament and in the continuing discussions between Britain and China, particularly in the Joint Liaison Group, it is not possible to say whether these assurances have affected response.

2.26 The volume of response to the White Paper far exceeded that to previous major consultative documents as illustrated below:

<i>Subject</i>	<i>Total number of direct submissions received from individuals and organisations</i>
(1) 1980 Green Paper on a pattern of District Administration in Hong Kong	150
(2) Review of Education Policy 1983	176
(3) Green Paper on the Further Development of Representative Government 1984	364
(4) The White Paper on the Draft Agreement 1984	2,494

2.27 Whilst letters from individuals are of importance, especially in their expression of personal anxiety and detailed comments, there can be no doubt that the response from representative bodies, organisations and groups of all kinds must carry greater weight. The scale of response and the range and quality of the views expressed by the 679 organisations and groups which made submissions to the Office is very impressive.

2.28 The material that the Office has received shows that every sector of the community has not only been given the opportunity to comment but has expressed a view either individually or collectively: either directly or indirectly on the future of Hong Kong. It is not so much the number of letters received but the representative character of the response, particularly from the hundreds of organisations which have written in that is of importance. Thus, the views received on every aspect of the draft agreement, taken together, represent and reflect the opinion of a very wide cross-section of the community and provide an effective and credible basis on which to make an assessment.

Part I: The Extent of Acceptability

3.1 Under the most important of its terms of reference, the Assessment Office is required to make an overall assessment of the extent of acceptability by the people of Hong Kong of the draft agreement. After the most careful analysis and consideration of all the information received, the Office has concluded that most of the people of Hong Kong find the draft agreement acceptable.

3.2 All but a few have acknowledged the inevitability of the reversion of sovereignty over Hong Kong to China in 1997. The proposition that an agreement between Britain and China on the future of Hong Kong is preferable to there being no agreement, is generally understood and accepted. Furthermore, although anxieties and reservations have been expressed by many who have submitted their views, the detailed provisions of the draft agreement have been welcomed, whilst the assurances that they will be implemented have been noted.

3.3 The overall assessment and the views on which it is based are analysed in the following paragraphs.

Views Expressed in the Media

3.4 The extent and significance of media coverage monitored by the Office is described in paragraphs 2.10 and 2.11. Its depth and range have been remarkable. The overall picture from the media is one of general acceptance of the draft agreement. A small number of newspapers and magazines is known consistently to take a pro-Beijing or pro-Taiwan stand but the majority of the daily newspapers and magazines read by the bulk of the Hong Kong people have no discernible political leanings. These publications and the coverage given by radio and television have consistently taken the view that the draft agreement is acceptable in general terms. This view is illustrated by the following quotations:—

“It has produced a document that, if nothing else, will be read by future generations as a landmark of good sense, human reasonableness, delicate compromise and high idealism. And if it succeeds, as we earnestly hope it will, not just Hongkong, but the world will be a better place.”

—South China Morning Post 27.9.84

“The content of the draft agreement is better than expected.”

—(Translation)
Oriental Daily 27.9.84

“Meets the wishes of Hong Kong people.”

—(Translation)
Ming Pao 27.9.84

“The documents provide the most solid possible foundation on which the community of Hongkong and those who trade with and invest in Hongkong can go on building prosperity.”

—Derek Davis
Far Eastern Economic Review 4.10.84

“From recent observations, a vast majority of Hong Kong people find the draft agreement satisfactory.”

—(Translation)
Joseph CHENG
Wide Angle 16.10.84

Views Expressed by Representative Bodies

(A) Executive Council

3.5 At a press conference on 28 September 1984, members of the Executive Council promulgated their stand. Sir S. Y. CHUNG made an open statement describing to the general public why the members of the Executive Council endorsed the draft agreement and commended it to the people of Hong Kong.

(B) *Legislative Council*

3.6 The Legislative Council held two special meetings on 15 and 16 October 1984 respectively to debate the acceptability of the draft agreement. The Honourable R. H. Lobo moved a motion which reads as follows:—

“That this Council endorses the draft agreement on the future of Hong Kong between the Governments of the United Kingdom of Great Britain and Northern Ireland and the People’s Republic of China and commends it to the people of Hong Kong”.

All but two members supported the motion.

(C) *Urban Council*

3.7 On 9 October 1984, the Urban Council at its meeting resolved:—

“That this Council welcomes the draft agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the future of Hong Kong.”

Twenty-two members spoke in support of the motion; one abstained.

(D) *Heung Yee Kuk*

3.8 The New Territories Heung Yee Kuk at a special meeting on 16 October 1984 passed the following resolution:—

“The New Territories Heung Yee Kuk appeals to the New Territories residents to support the draft agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the future of Hong Kong.”

—(Translation)

(E) *District Boards*

3.9 All the 18 District Boards discussed and endorsed the draft agreement on the following dates:

<i>District Boards</i>	<i>Date of Meeting</i>
Central and Western	4 October 1984
Eastern	18 October 1984
Islands	5 October 1984
Kowloon City	25 October 1984
Kwun Tong	29 October 1984
Mong Kok	8 November 1984
North	8 October 1984
Sai Kung	8 October 1984
Sha Tin	4 October 1984
Sham Shui Po	19 October 1984
Southern	19 October 1984
Tai Po	4 October 1984
Tsuen Wan	9 October 1984
Tuen Mun	12 October 1984
Wan Chai	17 October 1984
Wong Tai Sin	22 October 1984
Yau Ma Tei	26 October 1984
Yuen Long	5 October 1984

3.10 Thus all the principal representative bodies have unequivocally placed on record their view that the draft agreement is acceptable⁽⁶⁾.

Views Expressed by Organisations and Groups

3.11 The views expressed directly to the Office by the wide range of organisations described in paragraph 2.18 indicate that out of a total of 430 organisations, an overwhelming majority of 334 have

(6) Copies of the views expressed and resolutions passed are available for public reference in the United Kingdom and Hong Kong.

placed on record the fact that in the view of the members they represent the draft agreement is acceptable. 33 organisations have declared that their members reject it. The remainder gave no clear indication of their position. From the response it is clear that the most influential organisations from the professional and business sectors, the religious community, the student population and the civil service, and amongst pressure groups and trade unions have come out generally in support of the draft agreement.

3.12 Some organisations have declared their unwillingness or inability to send their views directly to the Assessment Office, either because they disagreed with the concept of the Assessment Office, or they were unable to arrive at a consensus view. Amongst these were the Bar Association, the Law Society and the Hong Kong Observers. The Office has, nevertheless, taken their views as reported in the media into account⁽⁷⁾.

3.13 As explained in paragraph 2.19, the Office received a number of informal collections of views from groups of people sharing a common background but not forming an organisation in the sense of being able to express a representative corporate view. There were 249 of these group submissions coming mainly from groups of civil servants, groups of students, people attending welfare agencies, staff of commercial firms, and various other groups. Altogether some 6,000 people expressed their views in this way and generally indicated clear support for the draft agreement. Of those who did not find the draft agreement acceptable, five groups of some 300 people in all used stencilled forms in identical terms expressing their rejection of the draft agreement, mainly on the grounds of total distrust of the communist regime in China.

Views Expressed by Individuals

3.14 This was the most difficult category to deal with in the context of assessing overall acceptability because of shades of opinions expressed and the tone of the language used: in many cases, the writers simply asked questions, made suggestions, expressed concern or made comments on specific aspects. These concerns and comments have all been taken into account and included in the summaries in Chapter 4. But on the question of overall acceptability, just over 1,000 individuals have indicated a clear stand. Of these, 677 indicated positive acceptance of the draft agreement and 364 rejected it. The range of individual views is described in Part II of this chapter.

Opinion Surveys

3.15 The findings of various independent opinion surveys described in paragraph 2.23 and in *Appendix VIII* indicated general acceptance of the draft agreement. Although the surveys were of varying reliability and validity, the consistency of the findings on the general question of overall acceptability is worthy of note.

3.16 The findings of some of the surveys may be of significance:—

- (a) *Survey by the Survey Research Hong Kong Ltd. (SRH)*⁽⁸⁾: This survey which was carried out by a professional market research company, was based on a random sample of 6,124 respondents aged 18 or over throughout Hong Kong and door-to-door interviews were conducted. The published report of this major survey was not available to the Office at the time of writing this Report, nevertheless, the Office has studied the tabulations of survey data which were received on 15 November 1984. In answer to one of the main questions in the survey (after reading visual aids briefly describing various sections in the draft agreement): "Taking the agreement as a whole now, do you believe the terms of this agreement are a good thing for the people of Hong Kong or a bad thing for them?", 10% said "very good", 71% "quite good", 14% "good in some way not so good in others", 1% "not particularly good nor at all good" and 4% "don't know".
- (b) *Survey by the Hong Kong Association for Continuing Education*⁽⁹⁾: 8,000 questionnaires were distributed, and 5,068 were completed and returned, 96% of which were by respondents aged 15–45. Of the respondents, 14% accepted the draft agreement unconditionally; 39% accepted it with some reservations and 44% accepted for want of a better alternative.

(7) (a) *The Bar Association* was reported to have been unable to pass a resolution recommending ratification of the draft agreement.

(b) *The Law Society* declared that it would not give its views on the draft agreement to the Office as it did not feel a collective view would be appropriate.

(c) *The Hong Kong Observers* (a pressure group) whilst accepting the draft agreement, said the Office was "a farce".

(8) Survey Research Hong Kong Ltd (SRH) is one of the largest market research companies in Hong Kong.

(9) Hong Kong Association for Continuing Education is a group interested in educational issues with about 200 individual members and about 30 organisation members.

- (c) *Survey by the New Hong Kong Researchers Ltd.*⁽¹⁰⁾: This was a street poll in which 4,616 respondents aged 20 or over were interviewed at various vantage points on Hong Kong Island and in Kowloon. 27% of the respondents did not understand the draft agreement, but 92% of those who did understand accepted it.
- (d) *Survey by Radio Television Hong Kong*: This was a telephone survey seeking the views of elected District Board members on the draft agreement. 116 out of a total of 132 elected District Board members responded. 97% of them found the draft agreement acceptable.
- (e) *Surveys involving young people*: Six surveys, covering a total of 4,200 respondents aged below 25, were conducted by student unions and organisations. All the topics in the draft agreement were found acceptable and the majority of respondents had confidence in Hong Kong's future but expressed a wish for direct elections and participation in drafting the Basic Law.

3.17 Notwithstanding the extent of the response in support of acceptance, it is necessary to pose the question of whether there is a "silent majority" whose views have not been heard. The Office is convinced by the evidence available that the views of the so-called "silent majority" have been reflected in the response received, and that those who have suggested this is not so are unaware of the range and depth of the response from the media, from organisations and groups and from individuals and also clearly in the independent opinion surveys described above.

3.18 The readings obtained by the Office from the views expressed in each of the main categories are consistent one with another. The overall picture which emerges can reasonably be said to be one which gives a true indication of Hong Kong opinion and supports the statement made in paragraph 3.1 above. The range of views is described in Part II of this chapter.

Part II: The Range of Views

3.19 In the following paragraphs the range of views on overall acceptability are summarised. Whilst acknowledging the overwhelming extent of overall acceptance, the Office, in examining the views expressed, has not underrated the degree to which those who have accepted the draft agreement have placed on record their concerns. In Chapter 4 details of the many comments made on specific aspects of the draft agreement requiring resolution are described.

3.20 The favourable response to the draft agreement ranged from outright praise; to qualified acceptance; to acknowledgement that, in the light of the alternatives, it is the best that can be hoped for. Adverse reaction ranged from condemnation of certain parts of the draft agreement to total rejection.

3.21 The draft agreement was seen to provide a way by which sovereignty could be restored to China peacefully whilst, at the same time, it removed the uncertainties about the future, provided a sound basis for continued prosperity and stability and would preserve for fifty years the familiar life style. The concepts of "one country, two systems" and "the Hong Kong Special Administrative Region with a high degree of autonomy" were praised as imaginative and farsighted. People holding these views were optimistic that the draft agreement would work and that the two sides would honour their commitment to Hong Kong.

"The agreement is a clear document and a good one in the light of present day politics. I salute and thank all who worked so hard for the millions living here."

An individual

"The solution of the Hong Kong issue under the innovative guidance of the 'one country, two systems' concept will be conducive to maintaining the stability and prosperity of Hong Kong. Moreover, the success of this 'one country, two systems' arrangement may embody a more far-reaching international significance."

(Translation)

Hong Kong Federation of Education Workers

"The White Paper also lays a solid foundation for the smooth resumption of sovereignty over Hong Kong by the People's Republic of China on 1 July 1997."

Hong Kong Social Workers Association

(10) New Hong Kong Researchers Ltd. is a newly formed organisation with about 200 members, some being professionals, industrialists and businessmen.

3.22 Those whose acceptance was a qualified one expressed reservations about China's ability to implement the provisions of the draft agreement. The point was made that it was difficult to accept the assurances regarding implementation so far ahead, although they were prepared to give China the benefit of the doubt. They were concerned lest any reduction in Hong Kong's prosperity and thus its value to China after 1997 would remove the incentives for China to comply with the undertakings in the draft agreement. They were worried about the possibility of undue interference by China and stressed the importance of incorporating the basic principles of the draft agreement in the Basic Law with clarity and in detail. They insisted on the importance of participation by Hong Kong people in the drafting of the Basic Law and in the work of the Joint Liaison Group and the Land Commission. Notwithstanding these reservations, most took a pragmatic view towards the future and the common feeling was that it was up to the Hong Kong people to make it work.

"It is difficult to foresee the future. The draft agreement is a postdated cheque. The result can only be known when it is proved."

—An individual

"The worry about Hong Kong being governed by people from Beijing or from the left-wing cannot be removed simply by the initialling of the draft agreement."

—(Translation)

Lung Ying
Cheng Ming Magazine
October 1984

"China must give the Hong Kong people a role in the drafting of the Basic Law for the SAR . . . The Basic Law is as important a blueprint for Hong Kong's future as is the Joint Declaration. What the Joint Declaration did not deal with in detail should be included in the Basic Law."

—HK Observers

South China Morning Post
29.10.84

"This is a historical moment for Hong Kong and we need to re-examine our roles and obligations. The Joint Declaration has only provided a basis; the future developments of Hong Kong depend on her people's continuous efforts and further commitments to be made on the existing foundation."

—(Translation)

University of Hong Kong Students' Union

3.23 In a number of cases, people expressed sadness at the severance of the link with Britain and the socio-economic system it has provided; disappointment at Britain's inability to maintain the *status quo*; resentment at the lack of involvement in the talks and frustration at the fact that the draft agreement could not be altered.

"I belong to the middle income group who do not have the means to emigrate to other countries and because I was born and educated in Hong Kong I would wish to stay in Hong Kong. For the purpose of your statistics you can classify me as one of those who would accept the draft agreement but I hope you will also take into account that I only accept it with much reluctance and with many reservations about the feasibility of its implementation. My heart is not truly at ease and I have no full confidence in our future. The whole thing has not been a very fair play to us because we have not had any say and there is no other alternative other than not to have an agreement at all."

—An individual

3.24 Although a few of the small number of organisations which have rejected the draft agreement have done so because of their inability to accept its specific provisions, most have scarcely touched upon those provisions, but rather have challenged the validity of the draft agreement and the right of Britain and China to determine the future of Hong Kong in this way. They have argued either for the *status quo*, or for Hong Kong to have the right of self-determination, or that any negotiations should have been with Taiwan and not with Beijing. They have stated that the PRC cannot be trusted to keep any promises made; the example of Tibet was quoted. The five groups of people who used stencilled proformas to communicate their views to the Office generally took the same line.

“They should render early support for the Hong Kong people to determine their own destiny by way of a referendum so as to avert the fate of future persecution by the communists.”

(Translation)

Cotton Bleaching & Dyeing Free Workers
Union

“If Britain wants to abrogate or amend the treaties, she should approach the Republic of China as it is the legal party to these treaties.”

(Translation)

The Sun Yat Sen Memorial Association of
Hong Kong Ltd

3.25 The minority of individuals who rejected the draft agreement did so because of a complete inability to trust in its implementation because of the basic incompatibility of the two systems, or because of China's past history of political upheavals, or because of past personal experience. In some cases, there was so strong a dislike of one or more of the specific aspects of the draft agreement that acceptability as a whole became impossible. The strongest feelings expressed came from those who considered themselves adversely affected by the provisions on nationality.

“The British Government ought to have compassion on those people who fled the cruelties of communist China to Hong Kong so as to assist in resettling them elsewhere.”

— An individual

“Britain cannot simply rescind a historic and moral responsibility of looking after her subjects. These people are legally British and cannot be made stateless.”

—An individual

Conclusion

3.26 The range of views expressed and summarised above reflects the uniqueness and complexity of the position in which the people of Hong Kong find themselves. The calmness with which the draft agreement was received and the reasoned response to it underlines its overall acceptability. There is a general feeling of relief and a wish to build Hong Kong's future on the foundation provided by the draft agreement.

Introduction

4.1 This chapter is divided into 4 parts:—

- Part 1 Elaboration of Chinese Policies for the Hong Kong Special Administrative Region in 14 sections
- Part 2 Sino-British Joint Liaison Group
- Part 3 Land Leases
- Part 4 Exchange of Memoranda

Although no aspect of the draft agreement has escaped comment, sections on Constitutional Arrangements including the Basic Law, and on Defence, the Right of Abode, Travel Documents and Immigration and the Associated Exchange of Memoranda have attracted the most attention.

4.2 The Office has attempted to summarise all the points made in view of their potential “value to the British Parliament and in the continuing discussions between Britain and China particularly in the Joint Liaison Group⁽¹¹⁾.”

Part 1

Section I Constitutional Arrangements and Government Structure

4.3 The establishment of a Hong Kong Special Administrative Region (SAR) under the People’s Republic of China on 1 July 1997 with a high degree of autonomy for 50 years was generally well received. Views expressed have concentrated on:—

- * the concept of “one country, two systems”
- * the appointment of the Chief Executive
- * the Hong Kong SAR legislature
- * the Basic Law

4.4 As the concept of “one country, two systems” is new and as yet untried, some scepticism has been expressed as to whether capitalism and socialism can co-exist without conflict; and whether the views of the Central People’s Government (CPG) would prevail over those of the Hong Kong SAR; and if so, whether the socio-economic system to be adopted by the Hong Kong SAR would remain intact.

4.5 As regards the appointment of the Chief Executive in the Hong Kong SAR, it was widely felt that the draft agreement was not sufficiently clear and detailed to provide the reassurance which people sought. The view was strongly expressed that the Chief Executive should be selected by election rather than by consultation, and should be appointed by the Hong Kong legislature rather than by the CPG.

4.6 Other important points made were:—

The entire process for appointing the Chief Executive, including his term of office, should be fully defined;

The CPG should not have the right to veto such appointment: if the CPG had the final say in the appointment, Beijing might eventually control all appointments in the Hong Kong SAR, including those in the administration and the judiciary;

The term “local inhabitant” should be precisely defined; the status of the Chief Executive and senior government officials as local inhabitants should be defined as Hong Kong born or *bona fide* long time residents with at least 10 years continuous residence in Hong Kong;

All appointments should be based on ability and experience, and not on political affiliation or nepotism;

In order to provide a system of checks and balances, an unequivocal line of accountability between the Chief Executive and the legislature should be spelt out in the Basic Law; and

(11) Statement by the Secretary of State in the House of Commons on 25.10.84

For the purpose of strengthening the link between China and Hong Kong, and to enable local views to be more fully and directly reflected to the CPG, the Chief Executive or some members of the future Hong Kong SAR legislature should be appointed to the National People's Congress.

4.7 The provision for the legislature of the Hong Kong SAR to be constituted by elections was hailed by many, including members of District Boards and the Urban Council as "far-sighted and progressive". There should be (as the Hong Kong Government plans) a progressive development of a more representative legislature with seats filled by direct election. At the same time there were many who said that prosperity and stability must not be sacrificed to achieve democracy in a hurry as this might damage a good investment environment. Hong Kong would be of use to China only if it remains prosperous and stable. The new political structure should be established by the late 80s or early 90s, so as to enable Hong Kong people to practise self-administration before 1997.

4.8 There has been an increasingly strong and loud call that Hong Kong people should not only be consulted but also participate in the drafting of the Basic Law, which should include all the provisions in the draft agreement. As the Chinese Constitution is based on a different political ideology, it was urged that the involvement of the Hong Kong people was essential to ensure that the principles of the draft agreement are fully reflected in the Basic Law. Hong Kong should be represented by lawyers, legal experts of international repute, and people from various sectors of the community.

4.9 Considerable concern has also been expressed about possible conflicts between the laws currently in force in Hong Kong, the Basic Law and the Chinese Constitution. It was suggested that the Basic Law should stipulate that Chinese laws should not apply to Hong Kong. Most of those who commented favoured the Court of Final Appeal of the Hong Kong SAR as the final authority for interpreting the Basic Law.

Section II The Laws

4.10 The provisions in Section II were generally welcomed. Views expressed concentrated on:—

- * retention of the existing laws
- * translation of existing laws into Chinese

4.11 The provision in the draft agreement for the retention of existing laws was generally welcomed. This was considered important to the maintenance of Hong Kong as an international financial and trading centre.

4.12 It has been pointed out that very extensive legislation would be required before 1997 to provide for local enactment of United Kingdom laws which at present are extended to Hong Kong by virtue of orders of the Privy Council. There were about 100 such Acts relating to copyright, merchant shipping, civil aviation, nationality and repatriation. Certain sections of laws in Hong Kong which would be in conflict with Chinese sovereignty, or which carried "taints of colonialism" would have to be amended.

4.13 There were increasing calls for the early completion of the translation of the present laws into Chinese, and for all new laws from now on to be drafted bilingually.

4.14 Other points raised included suggestions:—

On the training of more local lawyers;

That the present legal proceedings and concepts—for example, the right of *habeas corpus* for the protection of personal freedom of citizens—must be preserved in the laws of the Hong Kong SAR; and

That the legal knowledge of the general public be enhanced.

Section III Judicial System

4.15 Reaction to the provisions in this section was generally favourable. Views expressed concentrated mainly on:—

- * independence of the judiciary
- * appointment of judges
- * use of Chinese language in courts

4.16 The intention to maintain the present judicial system in the Hong Kong SAR was well received. The Chief Justice stated in a letter to the Office that the majority of judges of the Supreme Court "welcome Section III of Annex I as providing a satisfactory framework within which the Judiciary can

continue to operate after 1997". Whilst satisfied with this provision, some urged that the Court of Final Appeal be set up in Hong Kong before 1997.

4.17 Other points made were: -

The appointment of all judges by the Chief Executive, who in turn would be appointed by the CPG should not be allowed to undermine the present independence of the judiciary or subject the courts to undue influence;

Whether or not judges from other common law jurisdictions would also be recruited or invited to join the magistracies, District and Supreme Courts should be clarified;

Greater use should be made of the Chinese language in legal proceedings, although there were others who expressed concern about the difficulties involved; and

More judges of Chinese descent should be appointed to the courts. This could be achieved by providing training on proficiency in Chinese, improving employment terms and the offering of career opportunities in the higher courts to local lawyers.

Section IV Public Service

4.18 This section has been extensively discussed throughout the whole of the civil service and at all consultative levels, including the Senior Civil Service Council, the Police Force Council, the Model Scale 1 Staff Consultative Council, departmental consultative committees, or at special meetings in 56 departments. 44 staff associations have also submitted their views. Its provisions were found to be generally acceptable and comments have focussed on: -

- * payment of pensions
- * employment of foreign nationals
- * protection and safeguards for officers occupying sensitive posts after 1997

4.19 Important points made were:

Arrangements should be made for civil servants not wishing to continue their service after 1997 but who have not reached retirement age. They should be given the option to retire early with pension; Retirement schemes similar to provident schemes in the private sector should be set up as an alternative to the existing pension scheme and payment should be as of right;

Foreign nationals should continue to be employed in the civil service in specialist posts where need justifies, and promotion should be based on merit and not on ethnic origin;

Localisation of the civil service should be speeded up to ensure that local officers acquire the necessary experience to enable them to fill the top posts;

Expatriate civil servants through their associations requested that they should be suitably compensated if their career prospects were affected by the provisions in respect of the filling of the most senior posts; and

Arrangements should be made to protect civil servants occupying sensitive posts.

4.20 Other points raised: -

Any grade rendered redundant by the transfer of government in 1997 should be suitably compensated;

If Chinese were used as the official language in the future Hong Kong SAR, training courses should be arranged to raise the language standard of civil servants;

Those who continue their service with the Hong Kong SAR government should not be transferred to other offices in China;

Civil servants should not be prevented from standing for election; and once elected, no-pay leave should be granted, and those who have reached 45 should be allowed to retire early; and

That the local non-Chinese civil servants be granted right of abode in UK as their children born after 1997 would become stateless.

Section V Financial System

4.21 This section attracted little comment. That the Hong Kong SAR shall handle its own financial matters was welcomed. Questions were raised on the likely tax structure under the Hong Kong SAR:

on whether Hong Kong SAR would have to contribute towards the cost of defence; on what would happen to the Reserve Fund held by the present Hong Kong government; and whether the requirement for the Hong Kong SAR budgets and final accounts to be reported to the CPG for the record would lead to intervention by the CPG in the financial affairs of the Hong Kong SAR.

Section VI The Economic System and External Economic Relations

4.22 The provisions for the maintenance of the present capitalist economic and trade systems in Hong Kong were warmly welcomed both locally and overseas. The Hong Kong General Chamber of Commerce, the Chinese Manufacturers Association and the Hong Kong Federation of Industries issued a joint statement on the draft agreement to the effect that it "can be widely accepted by businessmen and industrialists as providing the best possible basis for continued economic prosperity". Economic reports from the banking sector confirmed the generally enthusiastic reaction from business circles. The South China Morning Post Business News was also optimistic towards the future of Hong Kong in terms of economic opportunities in China and the Hong Kong entrepreneurs' involvement.

4.23 Views have focussed on:

- * Hong Kong's status as an international commercial centre
- * transfer of technology
- * commercial arbitration between Hong Kong and China

4.24 Important points made were:

The interests of Hong Kong should not come second to those of China in the event of a conflict of interest on matters of external economic relations;

A committee should be set up by government to negotiate with third countries for recognition of Hong Kong's status, and its representation in various international bodies including the GATT, MFA, etc.;

The transfer of advanced technology, which is at present restricted to non-communist countries should not be prevented as a result of Hong Kong's new status;

Proper procedures should be established for arbitration in any commercial disputes which might arise between Hong Kong based companies and organisations in China; and

The fishing rights of Hong Kong fishermen should not be overlooked.

Section VII The Monetary System

4.25 The provisions for the preservation of the existing financial and monetary system in Hong Kong were well received in banking circles. The accord was considered to have helped to clear uncertainties and would boost confidence in Hong Kong's future as a financial centre. The commercial sector was also confident that Hong Kong would continue to attract foreign investment and serve as a stepping-stone for those who wish to trade with China.

4.26 Comments have centred on:—

- * maintenance of the existing monetary system
- * the Hong Kong currencies

4.27 The importance of a stable and credible monetary system was recognised. It has been pointed out that the management and control of the Exchange Fund must continue to maintain a mixed portfolio of currencies and instruments freely disposable in leading financial markets of the world.

4.28 Support was expressed for the provision that the Hong Kong SAR shall issue Hong Kong currency. As the draft agreement did not specify which bank would be authorised to issue Hong Kong bank notes, it has been suggested that this be clarified. A few individuals were concerned that the HK Dollar should be the sole legal tender in Hong Kong SAR after 1997, to the exclusion of the Chinese and other currencies and that its value should be maintained.

4.29 Another point raised was the establishment of a central bank in the Hong Kong SAR.

Section VIII Shipping

4.30 There has been relatively little discussion on this subject, except by those closely involved. The Chairman of the World-wide Shipping Agency Ltd. was reported to have indicated his satisfaction over

the Joint Declaration. He was particularly pleased about the provisions for Hong Kong SAR to maintain its previous system of shipping management and shipping regulation, and that private shipping business and private container terminals in Hong Kong may continue to operate freely.

4.31 Comments have focussed on:

- * maintenance of Hong Kong as a free port
- * shipping register
- * employment and training of seamen

4.32 The importance of maintaining Hong Kong as a free port was discussed in an editorial of the South China Morning Post on 4 October 1984. It pointed out that Hong Kong's value as the point of entry for a large part of China's foreign trade was inestimable, not only because of its deep water and sheltered harbour, but its container facilities which were steadily expanding.

4.33 It was considered that the Hong Kong Government should now start devising a new set of shipping regulations, to make improvements where appropriate, for example, on the training of seamen, the registration of ships, the definition of expatriate seamen after 1997, and to deal with the question of ships from Taiwan, South Africa and Israel entering Hong Kong after 1997.

4.34 The provision contained in the draft agreement for Hong Kong to have its own shipping register was warmly welcomed by the Hong Kong Shipowners Association.

4.35 The Merchant Navy Officers' Guild has voiced fears about the employment prospects of seamen after 1997, and has requested that the present system of employment on Hong Kong registered ships requiring British type certificates should be maintained. Concern has also been expressed about trade union rights and civil liberties of Hong Kong's workers.

Section IX Civil Aviation

4.36 The Civil Aviation Section in the draft agreement has attracted few comments from the general public. Its provision was welcomed by Cathay Pacific Airways. The Far Eastern Economic Review took the view that "there will be a future for the Hong Kong-based Cathay Pacific Airways in its present form up to and beyond 1997 and that it would provide a large degree of autonomy for the Hong Kong SAR from 1997 in aviation matters—far more than at present—aiming at maintaining the status of Hong Kong as a centre of regional and international aviation".

4.37 As regards services between Hong Kong and Taiwan, it was noted that Cathay Pacific Airways could continue to operate between the two places as the present air services rested on an agreement between Cathay and China Airlines. There was no air services agreement between UK and Taiwan government on this route. Some concern was expressed about air services between the Hong Kong SAR and those countries with no diplomatic relations with the PRC.

Section X Culture and Education

4.38 The future of Hong Kong's education policies and system within the terms of the draft agreement were widely and constructively discussed. Although some changes to the existing education system were considered necessary, no organisation or individual had expressed disagreement with the draft agreement as a whole. The Chairman of the Board of Education⁽¹²⁾ said that it "provides a sound basis for Hong Kong to continue to evolve and develop an educational system which will ensure that our population will have the skills and expertise required to enable the territory to maintain and improve its position in the fiercely competitive economic and trading environment within which Hong Kong operates." Views expressed have concentrated on:

- * educational reforms
- * validation and recognition of professional qualifications

4.39 In the context of educational reforms, suggestions made included:

The use of Chinese as the medium of instruction although there was a prevailing feeling that the teaching of English should also be given sufficient emphasis;

The teaching of Putonghua and simplified Chinese characters;

(12) A statutory advisory body established under Section 7 of the Education Ordinance.

The inclusion of contemporary Chinese history in the curriculum;
The promotion of political education in schools;
The promotion of civic education in order to prepare the next generation for the changes in 1997;
The early implementation of recommendations in "Report of Panel of Visitors – A Perspective on Education in Hong Kong"; and
The setting up of an open university.

4.40 To check brain-drain, many professional organisations and academic institutes were keen that the qualifications of their members should continue to be recognised both in the Hong Kong SAR and in other parts of the world. There were fears that Hong Kong's own training in certain professional and academic fields might not be recognised by overseas institutions once Hong Kong ceased to be a British Dependent Territory. They considered that the best way to safeguard Hong Kong's interests would be for Hong Kong to have its own authority to assess the standards of professional and academic achievements and to secure international recognition through the maintenance of overseas links. For the professionals, it was suggested that Government should encourage the establishment of a federation of professional bodies to hold internationally recognised examinations in Hong Kong to validate professional qualifications and to monitor the standards of professional practice.

4.41 Other important points referred to:

The recognition and validation of academic and professional qualifications obtained in China; and
The recognition and validation of professional qualifications obtained in non-Commonwealth countries such as USA.

Section XI External Relations

4.42 There was little comment on this aspect of the draft agreement. The views expressed concentrated on the recognition by other countries of the Hong Kong SAR's status.

4.43 The main points made were: –

Trade Commissions and Hong Kong SAR offices should be established throughout the world to retain Hong Kong's status as an international trading city;

To further enhance Hong Kong's status, organisations under the United Nations should be invited to set up offices in Hong Kong SAR;

Hong Kong itself should become a member of the United Nations even under the aegis of the PRC;
Hong Kong's relations with countries which did not have diplomatic relations with PRC might be affected after 1997; and

Hong Kong's present link with Britain and the Commonwealth countries, in particular in the fields of culture and sports, should be maintained.

Section XII Defence and Security and Public Order

4.44 This section attracted considerable comments which concentrated on the following:

- * the stationing of Chinese military forces in Hong Kong
- * the possibility of conscription
- * control over illegal immigration from China

4.45 There was wide-spread concern about the stationing of Chinese military forces in Hong Kong. The lack of understanding of the discipline and role of the Chinese military forces, the circumstances under which they would be mobilised for the purpose of defence, their authority and chain of command and their relationship with the Hong Kong SAR police caused anxiety. The general view was that the presence of PLA troops would create an impression of possible imposition of communism and military interference in civil and judicial administration under the pretext of upholding national security although some welcomed the arrangement particularly as the Chinese military forces would be provided at no cost to Hong Kong. To allay the fear, the following suggestions were put forward:

The Chinese troops should be stationed away from the urban areas, say in Shenzhen;

The troops should abide by the laws of the Hong Kong SAR;

The troops should be put under the command of the Chief Executive of Hong Kong; and
The number of troops should be kept to the minimum.

4.46 Although not mentioned in the draft agreement, the question of whether Hong Kong people would be subject to conscription was also widely discussed. The overwhelming majority of those who commented on the draft agreement were against conscription. In this context it was suggested that:

The Royal Hong Kong Regiment (The Volunteers) could be transformed into a local military unit with volunteers in lieu of conscription; and

The Chinese soldiers serving with the British forces in Hong Kong should be trained to replace the Gurkhas before 1997.

4.47 Other points made in the context of this section were:—

The Chinese military forces might not be effective in preventing the influx of illegal immigrants from China because of their close association with people in China;

The Independent Commission Against Corruption should continue its work after 1997;

The future of Gurkhas now serving in Hong Kong should be clarified;

The future of the locally enlisted soldiers and civilian staff currently employed by the British forces should be looked into; and

Capital punishment should be re-introduced.

Section XIII Rights and Freedoms

4.48 The minority who opposed the draft agreement because they objected to the reunification of Hong Kong with the communist PRC expressed concern at the possibility that the communist government in China would not respect individual rights and freedoms; but the majority who accepted the draft agreement found the provisions in this section comprehensive; while they appreciated the difficulty of giving precise definitions of the various rights and freedoms enumerated, they hoped that the Basic Law would provide greater clarity. The views expressed concentrated on: —

- * the interpretation of rights and freedoms
- * the application of International Covenants on Civil and Political Rights
- * the application of International Covenants on Economic, Social and Cultural Rights
- * omissions in the draft agreement

4.49 Concern was expressed over how the various rights and freedoms enumerated in this section would be interpreted. The three main areas were:—

Freedom of the Press—this should mean freedom of editorial expression and of news reporting without interference. A consolidated ordinance should be enacted to provide the necessary protection;

Freedom of religion—this should include freedom of worship and freedom to preach and continuation of appointment of bishops and missionaries by religious orders and churches outside Hong Kong; and

Freedom of travel—circumstances under which people would not be allowed to leave Hong Kong should be clearly stated.

4.50 In addition to the application of the International Covenants on Civil and Political Rights and the Economic, Social and Cultural Rights, some District Board members suggested the incorporation in the Basic Law of a Bill of Rights which would contain the necessary constitutional provision to protect civil rights. It was also suggested that the rights and freedoms of the Hong Kong people could be protected by filing complaints, if necessary, to the Human Rights Committee of the United Nations; and that a Human Rights Committee or an Ombudsman's Office should be established in Hong Kong SAR.

4.51 The following important issues were said to have been omitted: —

The specific provisions of a right of political belief coupled with freedom of affiliation to political parties; and

The further development of social welfare system and the role to be played by the voluntary organisations.

4.52 This section attracted considerable comment which concentrated on:

- * the definition of Chinese Nationals
- * the recognition of the Hong Kong SAR and new British Passports by other countries
- * right and freedom of emigration

4.53 Important points made were:

The term "Chinese Nationals" was too nebulous and needed clarification. Questions about how ethnic Chinese holding foreign passports, and those of mixed parentage would be treated in respect of national status and consular protection needed to be answered:

Worldwide recognition must be given to the new British passport and the Hong Kong SAR passports if freedom of travel was to be guaranteed. The new passports should be issued and in circulation well before 1997, and the United Kingdom Government and the Joint Liaison Group should take active steps to ensure they become acceptable international travel documents;

The United Kingdom should take the lead in recognising the status of the new passports by waiving visa requirements for those holders wishing to visit the United Kingdom; and

The right and freedom of emigration after 1997 should be clearly stated.

4.54 Other points made concern:

The question of whether the immigration quota standing in Hong Kong's name as approved by foreign countries would continue to be reserved exclusively for Hong Kong should be clarified:

The criteria for naturalisation should be relaxed so that more holders of Certificates of Identity could become BDTs before 1997 in view of the fact that BDTs would be eligible for both the new British passport and the Hong Kong SAR passport; and

Travel arrangements between the Hong Kong SAR and countries with no diplomatic relations with the PRC should be maintained.

Part 2

Annex II to the Joint Declaration: Sino-British Joint Liaison Group

4.55 The establishment of a Sino-British Joint Liaison Group to conduct consultations on the implementation of the Joint Declaration was generally supported by the people of Hong Kong. Views expressed have concentrated on:

- * its functions
- * its membership

4.56 Important points made were: —

Any inadequacies or lack of clarity in the draft agreement should be dealt with by the Joint Liaison Group to ensure a smooth transfer of government in 1997, and to ensure that the "50-year no change policy" would be implemented:

Hong Kong people should be represented on the Joint Liaison Group and should participate in its work and deliberations to avoid any possibility of interference with the Administration in Hong Kong and thus undermining the authority of the Hong Kong Government during the transition period;

The Group should maintain close contact with local representative bodies and should keep the public informed of the progress of its work;

The Group should ensure that the new British passport and the Hong Kong SAR passport are recognised internationally;

The formation of sub-groups to study in detail the maintenance of Hong Kong as a separate customs territory; ways to gain recognition of Hong Kong's international status; policy on patents and copy-right; policy and procedures regarding trading between the future Hong Kong SAR and other regions in China; and

The possibility for the Joint Liaison Group to operate beyond 2000 to 2047.

Annex III to the Joint Declaration: Land Leases

4.57 This Annex was well received by the real estate sector, land owners, professionals such as estate surveyors, and the Heung Yee Kuk. By the nature of the subject and its importance to Hong Kong's economy, it attracted many comments and questions which focussed on:—

- * payment of annual rent
- * lease arrangements
- * the limit on new land grant
- * the sharing of premium income
- * the Land Commission

4.58 As regards payment of an annual rent equivalent to 3% of the rateable value of the properties, concern was expressed that this arrangement might become an excessive burden because rateable value, to which the rent would be pegged, was likely to increase. To remove this anxiety, it was suggested that in adjusting the land rent in relation to the rateable value, increases should be subject to an annual upper limit expressed in dollar terms. As an alternative to the payment of the annual rent as described in this Annex, land owners should be allowed to pay land premia on a one-off basis.

4.59 As regards land leases, many questions were asked for the specific attention of the Land Commission. These are listed below:—

In view of the change in the land policy, would holders of leases already extended on payment of premia by instalments be required to pay the outstanding instalments when the Joint Declaration came into effect in 1985?

What would be the terms for renewal of the leases expiring before the draft agreement became effective in 1985?

As stated in the Annex, non-renewable leases expiring *after* 1997 would be dealt with in accordance with the relevant land laws and policies of Hong Kong SAR, could that be taken to mean that they would be dealt with in the same way as those leases expiring *before* 1997?

What would be the arrangement for the unique freehold lease which was granted to a religious body?

How would the annual rent of land be calculated where there is no rateable value at present e.g. agricultural land and vacant sites?

What would be the arrangement for the existing short-term tenancies and temporary waivers and the land leases granted by the Hong Kong Industrial Estate Corporation?

What would be the terms for renewal of leases granted under the civil servants co-operative housing scheme and government-built housing schemes?

How would land ownership inside the Kowloon Walled City be dealt with?

Whether the rights in leases running beyond 30 June 1997 (mainly 75-year leases renewable for 75 years and 999-year leases) would be recognised and protected after 2047, and whether legal remedies would still be available if such long leases were not recognised and protected after 2047?

What arrangements for compensation in the event of land resumption would there be?

4.60 As regards land in the New Territories, the recognition of the historical background of the New Territories and the retention of the rights of the indigenous people were welcomed. However, rural committees and District Board members considered it necessary to make the following additional requests for the consideration of the Land Commission:—

In the case of old scheduled lots, village lots, small houses and similar rural holdings, where the property was held by or granted to a person descended through the male line from an indigenous person, in addition to not changing the rent for such a property, all other existing rights (e.g. granting of small houses, exemption from rate payment) should be maintained;

Land leases granted by the Hong Kong Government should be distinguished from those transacted among the people towards the end of the Qing Dynasty. In the former case, the land should be dealt with in accordance with the provisions in Annex III while in the latter, the land should not be subject to any rent since the property rights had been vested in the owners permanently; and

All the land-exchange entitlements held by owners should be settled before 1997. To ensure that the Government honours commitments in this respect, the utility of these entitlement should be expanded by allowing holders to use them to exchange for land in the urban areas in addition to the New Territories.

4.61 The annual restriction of the total amount of new land to be granted to 50 hectares a year was criticised. Despite assurances from government that the quota would be adequate to meet Hong Kong's future needs, the imposition of a ceiling on the amount of land that could be sold was considered as arbitrary and not paying sufficient regard to market conditions. This might also lead to an increase in the price of land.

4.62 As the Annex stated that only land granted to the Hong Kong Housing Authority for public rental housing would be excluded from the quota, so as not to inhibit the development of public projects, it was suggested that new land for social service, education, Home Ownership Schemes, container terminals, Housing Society projects, industrial estates and major public works projects should also be excluded from the calculation of the 50 hectares limit. It was also suggested that this new land grant limit should be administered with flexibility and that the limit should only be interpreted as an average figure for the years up to 1997 in order to allow room for adjusting supply to demand.

4.63 As regards sharing the premium income derived from the sale of land before 1997 equally between the British Hong Kong government and the future Hong Kong SAR government, it was considered that this might affect the economic viability of the Hong Kong government in the transitional period. The taking away of a portion of the revenue might lead to considerable tax increases in order to meet public expenditure. It was suggested that the premium revenue payable to the Hong Kong SAR government would serve the public better if it were to be spent on the building up of Hong Kong in the years before 1997.

4.64 As regards the Land Commission, it was suggested that Hong Kong government officials and experts in land matters should be invited to participate in its work; that some of the most urgent problems should be addressed; that more flexibility in the administration of the land grant quota should be allowed; and that every effort should be made to preserve the principles of a free economy so as to forestall any move towards a "controlled economy".

Part 4

Exchange of Memoranda on Nationality

4.65 Most of those who commented on the exchange of memoranda on nationality did so in adverse or critical terms. Comments concentrated on:

- * the change of the BDTC status
- * right of abode
- * consular protection in the Hong Kong SAR

4.66 The statement in the United Kingdom Memorandum that all Hong Kong British Dependent Territories Citizens (BDTCs) would cease to be recognised as such from 1 July 1997 attracted strong adverse comments from those affected who feel bitter at the change in prospect for them. A feeling that the United Kingdom had failed in its moral obligation towards the two million Hong Kong BDTCs led to expressions of frustration and sometimes anger, particularly from those who recalled their pledges of loyalty on naturalisation. Some asked for assistance in resettling in the United Kingdom. As the individual letters put it:-

"With one stroke of the pen, you have stripped us of our identity and slotted us into racial categories - an unforgivable act . . ."

"I feel taking the oath of allegiance to the Queen to be very serious and am disillusioned by what the British Government has done"

4.67 Those who commented adversely on these provisions sought to make the points that the United Kingdom had deliberately distanced herself from Hong Kong, and had failed to provide an alternative right of residence either in Britain or elsewhere for those who were looking for an escape route should the situation in Hong Kong after 1997 demand this.

“She disabled herself a long time ago when she closed the door to Hong Kong. She did this by a series of immigration and nationality acts which turned the Hong Kong passport holder into a second-class citizen.”

– The Hon. J. J. Swaine
Legislative Councillor

4.68 One argument advanced was that the United Kingdom’s fear of mass immigration from Hong Kong was unfounded. As one individual put it:

“With regard to the well-publicised fear that BDTC passport holders will rush to the UK, it is a well-known fact that people here are very practical and won’t want to go to a place where they cannot find employment and support themselves unless they are forced to.”

To leave the door open, it was argued, would be the best way to ensure not only the most favourable agreement, but also that there would be no exodus from Hong Kong.

4.69 Other points made related to the need for British consular protection for BDTCs and their first generation descendants in Hong Kong after 1997, the feeling of betrayal by those who had acquired BDTC status by naturalisation, and the unhappy situation of non-Chinese BDTCs who had severed their links with their country of origin. There were some expressions of relief at the assurances given by the Hong Kong Government that special arrangements for the latter group would be considered, but many were still worried about the future of their descendants born after 1997.

“We do not care what happens to Hong Kong for our own sake. However, we worry for our children.”

A group of individuals

4.70 Not all were as bitter on the nationality issue, for example several who spoke in the Legislative Council debate or at District Board meetings considered the arrangements to be the best possible in the circumstances, although some commented that because they were contained in an exchange of memoranda rather than in the annexes to the Joint Declaration, they could not be considered as legally binding as the other parts of the draft agreement.

4.71 There was a widely shared hope on the part of all who concerned themselves with the questions of nationality and travel documents that the British Government and Parliament may find a way of providing fuller assurances for BDTCs in the coming years.

5.1 Reaction to the invitation to comment on the draft agreement has been vigorous and sustained and the views received provided a credible basis on which to make an assessment (paras. 2.8, 2.24, 2.28):—

- * The response has come from a wide cross-section of the community. (paras. 2.8–2.23)
- * The views expressed have in the main been well presented and carefully thought out. (para. 2.8)
- * The number of submissions from all sources, both direct and indirect, totals 3,557; of these 2,494 have been sent directly to the Office and 1,063 are items monitored through the media. (paras. 2.12, 2.19, 2.21, 2.23)
- * Of the direct submissions, 1,815 came from individuals and 679 from organisations or groups representing very large numbers of people. (paras. 2.19, 2.21)
- * The media network has made a major contribution towards the public's broad understanding of the draft agreement itself and reaction to it. (para. 2.11)
- * The representative character of the response from organisations has been of great significance. (paras. 2.27 & 2.28)

5.2 Most of the people of Hong Kong find the draft agreement acceptable. This conclusion is supported by the consistency of the views expressed (paras. 3.1, 3.18):—

- * The overall picture from reports by and through the media is one of general acceptance. (para. 3.4)
- * All the principal representative bodies have unequivocally placed on record their view that the draft agreement is acceptable. (paras. 3.5–3.10)
- * The overwhelming majority of organisations and groups which expressed their views found the draft agreement acceptable. (paras. 3.11–3.13)
- * Most of the individuals who expressed a view on the question of overall acceptability found the draft agreement acceptable. (para. 3.14)
- * The findings of various independent opinion surveys indicated general acceptance. (para. 3.15)

5.3 A wide range of views from outright praise, to qualified acceptance, to rejection has been expressed. (paras. 3.20–3.25)

5.4 Overall acceptance of the draft agreement has in many cases been accompanied by expressions of concern and anxiety about its implementation. (para. 3.22)

5.5 Comments have been made on every aspect of the draft agreement and these are summarised in Chapter 4. The Office considers it important to draw attention to the views expressed on the Exchange of Memoranda, and on the drafting of the Basic Law which has become the focus of attention. Although the primary task of the Assessment Office was to provide an overall assessment of the extent of acceptability of the draft agreement, the Office has tried as far as possible to summarise all the key points made in order to give a full account of the reaction in Hong Kong. The Office also believes that this will be of value to the British Parliament and in the continuing discussions between Britain and China particularly in the Joint Liaison Group.

ASSESSMENT OFFICE
(LG3 THE SUPREME COURT 38 QUEENSWAY HONG KONG)
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Mr Wilfred Wong

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Contingency Support Group

See Note
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Mr Joe Ming

Central Support Division

Chief
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Mr Henry Ku MBE

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Mr Gary Yeung

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Mr John Tsang

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Mr Thomas Yue

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NOTE (1) Chief Chinese Language Officer
Chinese Language Officers
Mr S. I. Yen
Mrs Sabrina Leung
Mr K. C. Lam
Mrs Ellen So
Mrs Ida Koo

A DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND NORTHERN IRELAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON THE FUTURE OF HONG KONG

To Those Wishing to Express Their Views on the Draft Agreement

As you know the draft Agreement has been published as part of a White Paper. The Hong Kong Government is making sure that this White Paper is available to everyone in Hong Kong and is encouraging you to comment on the overall acceptability of the draft Agreement in the light of the background set out in the White Paper.

To receive your views the Assessment Office has been set up. The office is separate from the ordinary machinery of government and I, as Commissioner, will report direct to the Governor. Our task is to receive and collate the views on the White Paper sent to us either directly or through well established consultative channels in Hong Kong. We will also take note of views expressed through the media and the findings of opinion surveys. There will be some fifty of us working in the office which is situated at the Supreme Court Building.

How to make your views known All you need to do is to put down your views in writing either in English or Chinese and address your letter to:

The Commissioner, Assessment Office, P.O.Box 9000, Hong Kong.

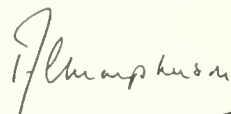
When you write to us, please remember that all submissions whether from organisations or individuals must be properly signed with the full name and address of the writer clearly indicated. In the case of organisations the writer must indicate his position in the organisation. All submissions received will be acknowledged. Anonymous submissions cannot be taken into account. If you do not wish or are not prepared to send in written submissions, you should communicate your views through representative bodies such as District Boards or other community organisations to which you have access.

For general enquiries, please ring telephone number 5-292393.

What will become of your views? Your views will be summarised and will be included in an analysis and assessment of opinion in Hong Kong on the draft Agreement which will be submitted in a report to the Governor. This report will include factual summaries of all the views expressed to us and an assessment of the overall acceptability to the people of Hong Kong of the draft Agreement. The report will be sent to the Secretary of State for Foreign and Commonwealth Affairs. In the light of this report Her Majesty's Government will decide what recommendation to make to Parliament.

The report, together with the full text of the main submissions from representative bodies sent to us, will be published in Hong Kong.

Let us have your views Please write to us through our Post Box P.O.Box 9000.



(I.F.C. Macpherson)
Commissioner, Assessment Office

A DRAFT AGREEMENT
BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
AND THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF CHINA
ON THE FUTURE OF HONG KONG

Many people have already written to us on the draft Agreement on the future of Hong Kong. But if you haven't, please write soon to P.O. Box 9000.

Taken overall do you find the draft Agreement acceptable to you? **Please let us know.**
Do you have any other views?

You should sign your letter and write down your address. Names and addresses will be kept confidential. Letters from individuals will be kept in Hong Kong and destroyed by the middle of 1985.

We want your views before the 15th November.

Assessment Office

BRIEF DESCRIPTION OF CERTAIN REPRESENTATIVE BODIES

The Executive Council

The Executive Council is presided over by the Governor and consists of 4 ex-officio members and 12 appointed members (10 of them are unofficials). Its function is to advise the Governor, who is required by the Royal Instructions to consult the Council on all important matters of policy before they are introduced into the Legislative Council.

The Legislative Council

2. The Legislative Council is constituted by virtue of the Letters Patent and its primary function is the enactment of legislation including the appropriation of public funds. Other business of the Council includes debates on government policies. At present the Council is composed of the Governor (as president), 3 ex-officio members, 30 unofficial members and 13 official members.

The Urban Council

3. The Urban Council is a statutory and financially autonomous body responsible for providing municipal services as well as cultural and recreational facilities throughout the urban areas. It comprises 30 councillors, 15 of them are appointed by the Governor and 15 directly elected on a constituency basis. The elected members automatically have seats on the urban District Boards in whose area their constituency lies and the appointed members are also allocated seats on District Boards. All councillors have individual or collective ward offices to deal with complaints and give assistance to the public on a wide variety of matters.

District Boards

4. District Boards were set up in 1982 as statutory bodies on a geographical basis covering each of Hong Kong's 18 districts. The Boards provide a forum for public consultation and participation at the district level. They have a mainly advisory role with a substantial influence over district affairs and are also allocated public funds for local recreational and cultural activities and for minor environmental improvement works.

5. Each District Board is composed of elected members (through elections based on an electoral roll on which all residents aged 21 or above who have been in Hong Kong for 7 or more years are eligible to be registered); official and appointed unofficial members and Urban Council members or Rural Committee Chairmen. Most District Boards operate a "meet the public" scheme to receive views from the residents of the district on matters affecting their general well-being. District Board unofficial members generally have a close liaison with local residents through the various local network such as Area Committees, Mutual Aid Committees, etc.

The Heung Yee Kuk

6. The Heung Yee Kuk was established in 1926 and made a statutory body in 1959. Its function is to advise the Government on matters affecting the well-being of the people of the New Territories and to promote understanding between the Government and people and to maintain appropriate traditions, usage and customs. The Kuk is composed of representatives from all the districts in the New Territories.

Area Committees

7. Area Committees are sub-divisions in a district and they each cover approximately 50,000 people. Each Area Committee has about 15 to 25 members. They include chairmen of building-based organisations such as Mutual Aid Committees and Owners Corporations and residents from different walks of life to promote the general well-being of people in the area.

Rural Committees

8. Villagers in the New Territories of Hong Kong are grouped under 27 Rural Committees each of which has an executive committee which is chosen by the Village Representatives. The main function of the Rural Committee is to assist in the promotion of the general well-being of the villagers.

Mutual Aid Committees and Owners Corporations

9. These are building-based organisations encouraged by the Government for the main purposes of promoting better building management and security in their own buildings. There are more than 5,000 such organisations in Hong Kong.

UMELCO

Office of Unofficial Members of Executive and Legislative Councils
行政立法兩局非官守議員辦事處

6 November 1984

Mr I.F.C. Macpherson, OBE, JP
Commissioner
Assessment Office
LG3 Floor, Supreme Court
38 Queensway
Hong Kong

Dear *Jan*,

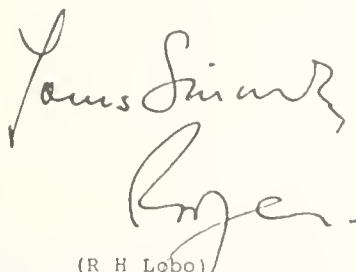
LegCo Debate on the Draft Agreement
on the Future of Hong Kong

As you may know I moved the following motion in the
Legislative Council on 15th October 1984:-

"That this Council endorses the Draft
Agreement on the Future of Hong Kong between
the Governments of the United Kingdom of
Great Britain and Northern Ireland and the
People's Republic of China and commends it
to the people of Hong Kong."

Twenty-seven Unofficial Members spoke to the motion
at two special sittings of the Legislative Council on 15th and
16th October 1984. With the exception of two Unofficials who
elected to abstain, all the Unofficial Members of the
Legislative Council supported the motion which was carried at
another special sitting held on 18th October 1984.

I am sure you will take into account the views
expressed during the debate in compiling your report. However,
it is felt that a formal submission to you would be
appropriate. I am therefore enclosing a copy of the Official
Report of Proceedings of the sittings of the Legislative
Council held on 15th, 16th and 18th October 1984. It contains
the full text of all the speeches delivered in the course of
the debate. Also enclosed for convenient reference is a
summary of the main observations and reservations expressed by
the Unofficials in their speeches.



(R H Lobo)
Senior Unofficial Member
Legislative Council

WHITE PAPER ON THE FUTURE OF HONG KONG

Summary of Views expressed by Unofficial Members in the LegCo Debate on 15 and 16 October 1984

15 October 1984

1. *Mr. R. H. Lobo*

- * The community should make known its views, favourable or otherwise, to the Assessment Office
- * The objective of the Agreement, to maintain stability and prosperity in Hong Kong, should not be forgotten.
- * The choice is to accept the Agreement or face the future without one.
- * Both sides have done their best to secure Hong Kong's future, it remains to determine the Basic Law in the same spirit.
- * The Agreement is a good agreement and one which can be commended to the people of Hong Kong.

2. *Mr. Francis FIEV*

- * All the Chinese leaders have said that the terms of the Agreement will be faithfully implemented and no changes will be made.
- * The Agreement can become a spring-board for Hong Kong's economic development, and action should be taken to:—
 - (a) boost up the property market in the interest of stability;
 - (b) attract more Chinese and foreign investment to Hong Kong;
 - (c) increase the role played by the Hong Kong Trade Development Council in encouraging foreign investment in our industry; and
 - (d) maintain the impetus given to vocational training.
- * The Joint Liaison Group should include Hong Kong people.
- * Hong Kong people should be represented on the Basic Law drafting committee

3. *Mr. Alex HU*

- * Except for the necessary changes brought about by the transfer of sovereignty, the Agreement will enable the status quo to be maintained.
- * The Hong Kong Government should extend invitations to Chinese leaders to come to Hong Kong to understand the territory.
- * The Hong Kong public should give their views on and participate in the drafting of the Basic Law, which should be drafted early
- * The people of Hong Kong should no longer be "passengers", and should learn to become good "navigators".

4. *Mr. S. L. CHEN*

- * The Agreement is the highest form of commitment binding two sovereign states and provides sufficient detail to inspire confidence.
- * The Chinese leadership has publicly re-affirmed their commitment to the "one country, two systems" policy, providing good grounds for confidence.
- * The people of Hong Kong should assist with the drafting of the Basic Law.
- * A strong and healthy economy is the surest guarantee for our future survival.

5. *Miss Lydia DU'VV*

- * The Agreement is satisfactory as to intention, content and form.
- * Gives six reasons why she believes the terms of the Agreement will be faithfully implemented:-
 - (a) it is a formal and legally binding international agreement freely negotiated between two sovereign states;
 - (b) the Chinese leadership would surely not have committed so much effort into reaching an agreement if they had no intention of adhering to its terms;
 - (c) the Chinese leadership have publicly staked their personal prestige and reputation in the eyes of the world;
 - (d) the Chinese leadership have stated that it is in China's national interest to implement the terms of the Agreement;
 - (e) the Chinese people themselves will not easily accept any move which is likely to make the Hong Kong SAR fail to help in the reconstruction of China; and
 - (f) the Chinese leadership cannot afford to prejudice the ultimate achievement of the objective of the reunification of China by failing to observe the terms of the Agreement.
- * A suitable structure of government must be established well before 1997 which will stand the test of time after 1997.

6. *Mr. Peter C. WONG*

- * Rejecting the Agreement may lead to a unilateral declaration by China, which may be less detailed and not be legally binding.
- * Strongly commends the Agreement to the people of Hong Kong because it provides the necessary assurances about Hong Kong's future.
- * The people of Hong Kong should take full advantage of this Agreement and build for themselves a successful future.
- * Discusses the following:—
 - (a) the Agreement is an international document, it is legally binding;
 - (b) the Agreement contains far more detail than expected;
 - (c) given time and the right approach, the chances of success of "one country, two systems" are by no means remote;
 - (d) reaction to the nationality issue is less than favourable. The "minority question" will have to be solved;
 - (e) it would be highly desirable for the people of Hong Kong to state positively their preferences on the Basic Law in the hope that the Chinese Government would consider them sympathetically; and
 - (f) the people of Hong Kong should spare no effort to establish a good and friendly relationship with China.
- * The preservation of the existing legal system is vital to Hong Kong's continued stability and prosperity, and the best guarantee for preserving the existing rights and freedoms. Explains the concepts of Common Law, Equity and Customary Law.
- * The continued employment of staff working for voluntary agencies and quasi-government bodies should be assured.
- * The existing independent advisory bodies to the Civil Service should be retained to ensure the fair and impartial treatment of appointments and promotion in future.
- * An early decision must be made about the future arrangements for expatriate civil servants, particularly those whose career prospects may be adversely affected.

7. *Mr. WONG Lam*

- * The Agreement contains more details than expected.
- * The Agreement should give more details about the appointment and removal of the chief executive.
- * The Agreement must clearly define the relationship between the executive authorities and the legislature and how the latter can monitor the former.
- * The Agreement should clarify the relationship between the laws already in force in Hong Kong, the Basic Law and the Chinese Constitution.
- * Does not accept that the people of Hong Kong have the only choice of accepting the Agreement in its entirety or not accepting it. This Agreement will be implemented in 13 years' time, new developments during the intervening period may call for amendments to the Agreement, which can be carried out by exchanges of memorandum between Britain and China.
- * The setting up of the Assessment Office is a waste of Hong Kong taxpayers' money. In fact, the Agreement's passage through Parliament is a foregone conclusion.
- * The people of Hong Kong should:
 - (a) ask the UK and Chinese Governments to supplement by means of an exchange of memoranda any points of doubt which may emerge, so long as they are not contrary to the spirit and principle of the Agreement;
 - (b) ask the Chinese Government to accept the views of Hong Kong people when drafting the Basic Law;
 - (c) ask the Hong Kong Government for the early establishment of a political structure to bring about "Hong Kong people ruling Hong Kong"; and
 - (d) face the future realistically and with a positive attitude.
- * Hong Kong's value to China should be taken as a whole. China should not be consulted on each and every individual question, nor should the decision on the way to handle a question be dictated solely by whether or not it will benefit China.

8. *Dr. K. F. HO*

- * The Agreement embodies the wishes and aspirations of Hong Kong people and takes into account the constraints of history and reality. It provides for the continuation of prosperity and stability well into the 21st century and for the preservation of our lifestyle.
- * Local groups and individuals are anxious to know whether there will be military conscription in the Hong Kong SAR.
- * The existing system of providing social welfare services should be enshrined in the Basic Law.
- * The legal status of the Exchange of Memoranda vis-a-vis the Joint Declaration and the 3 Annexes is not clear.
- * Provision should be made for overseas Chinese of international reputation to serve on the Basic Law Drafting Committee and for the people of Hong Kong to be represented on its specialist sub-groups.

9. *Mr. Allen LEE*

- * The Agreement should be encouraging to investors. Confidence is expected to return in 3-6 months.
- * The common objective of maintaining Hong Kong's prosperity and stability can be achieved provided that the future Hong Kong Government is a credible government which can be relied upon to carry out the laid down policies.
- * UNFICO issued a statement in May this year outlining four basic requirements which were essential to the acceptability of any agreement. The Agreement has generally provided satisfactory answers to them and should therefore be acceptable to the people of Hong Kong.
- * The Chinese leaders have told leaders of other countries that "one country, two systems" is the way the Chinese Government will achieve the peaceful reunification of China, and it was in the interest of China to have the scheme implemented. Therefore, Hong Kong people must view the Agreement positively and play their part to ensure that Hong Kong will continue to grow in the future.

10. *Mr. Andrew SO*

- * Consider himself fortunate to have the opportunity to debate on the Draft Agreement.
- * On the whole, the Agreement embodies the wishes and aspirations of most of the people of Hong Kong.
- * Although the Agreement may become the key to prosperity, the existing social and economic systems and the way of life in Hong Kong are our means of making a living, the need for the people of Hong Kong to continue working hard should not be neglected.
- * It is hoped that the leaders in China and Britain will be cautious in dealing with affairs relating to the future of Hong Kong, and that Hong Kong people will do their best to maintain the prosperity and stability of Hong Kong.

11. *Mr. F. K. HU*

- * The Agreement provides a sound basis for the future of Hong Kong. It includes all the essential details and reflects practically all the wishes expressed by Hong Kong people.
- * Chinese military forces should only be stationed in the remote border areas and should be subject to Hong Kong civil and criminal law. In emergencies, the Chief Executive of the SAR should have full authority to command all military forces in Hong Kong.
- * The Chinese Government should make it clear that Hong Kong people will not be subject to conscription but can volunteer to serve in the Hong Kong Regiment.
- * Local inhabitants should be defined as those who were born in Hong Kong or have been living continuously in Hong Kong for not less than 20 years.
- * Land leases not having the right of renewal and expiring after 30.6.97 should be dealt with in the same way as those lease that are due to expire before that date.
- * The Hong Kong Government should not take over land zoned for Government, Institutional, Community use immediately upon expiration of the existing leases, but should only do so in accordance with the needs of development programmes.
- * Leases for special purposes should be extended upon present expiry dates to beyond 1997.
- * The limit on the sale of land should be applied with reasonable flexibility. The exclusion applied to public rental housing should also apply to land required by the Hong Kong Housing Society.
- * China should prove her sincerity by actual performance in the next 13 years.
- * Prosperity and stability must not be sacrificed in order to achieve democracy in a hurry.

12. *Mr. P. Y. WONG*

- * The Agreement has adequately taken care of the requests of Hong Kong people.
- * Judging from the history of China's political, economic and social changes since 1979, believes that the Agreement will be implemented by both governments.
- * It is necessary for the people of Hong Kong to participate in the drafting of the Basic Law.
- * Steps must be taken before 1997 to obtain the agreement of Hong Kong's trade partners to ensure that existing external economic and trade links will be maintained.
- * In order to preserve prosperity and stability, local manufacturers must give up the wait-and-see attitude and work actively to boost their competitive status.

13. *Mr. W. C. L. Brown*

- * The Agreement is reasonable and sensible, and addresses all of the issues raised in LegCo and elsewhere whilst the negotiations were in progress.
- * The Agreement has met with almost universal applause from parties overseas, including the Secretary General of the United Nations and the leaders of all those countries which are our major trading partners.
- * The Agreement is the best possible in all the circumstances.

14. *Mr. J. J. Swaine*

- * Britain went to the negotiating table with one arm tied behind her back. She disabled herself a long time ago, when she closed the door to Hong Kong by a series of immigration and nationality acts.
- * The Agreement is the best of a bad deal.
- * The following doubts remain:—
 - (a) will judges from other common law jurisdictions be recruited, or invited to sit in the court of final appeal?
 - (b) the Chinese perception of “election” may not be the same as that of the people of Hong Kong;
 - (c) where are the safeguards that elections to the legislature will be free and genuine? and
 - (d) infiltration of the system and suppression of dissent by pressure or fear is a great danger.
- * Cannot endorse the Agreement or commend it to the people of Hong Kong. Will therefore abstain.

16 October 1984

15. *Mr. K. C. CHAN*

- * Uncertainty over the future has caused a 107.9% increase in the number of emigrants in the past 5 years.
- * The competitive edge may be worn off our industries by the loss of the entrepreneurs who operate the many small manufacturing establishments employing under 50 workers.
- * Over 2.7 million people in Hong Kong had experience with political turmoils in China in the past, they will never believe in China's promises.
- * The ceiling placed on the sale of land does not boost confidence and means there is a lack of trust between the Chinese and British Governments; it also has undesirable implications for Hong Kong's Reserves and annual Budgets.
- * The Land Commission and the Joint Liaison Group are bound to interfere with the functions of the Hong Kong Government.
- * Cannot commend the Agreement nor foresee its full implementation without reservations; must therefore abstain from voting on the motion.

16. *Mr. Stephen CHEONG*

- * There are grounds for optimism about the future because:—
 - (a) the Agreement does far more to guarantee Hong Kong's institutions, rights and freedoms than do the present Letters Patent and Royal Instructions;
 - (b) the Chinese leaders have repeatedly publicised their firm commitment to the “one country, two systems” policy; and
 - (c) it is in China's interest that Hong Kong should continue to prosper and be stable.
- * The autonomy that has been promised must not only be earned but should also be seen to be well deserved. Therein lies the best guarantee against possible undue interference from China.
- * Hong Kong should develop a system of government which as far as possible should eschew adversarial politics, and which should positively encourage citizens to voice their opinion.
- * The Basic Law should be formulated having full regard to informed public opinion in Hong Kong.
- * Britain and China should help Hong Kong to maintain existing trade agreements, its present role in GATT and in other international organisations.
- * Over the next 13 years, Hong Kong should explore, develop and improve mutual understanding with China. As a first step, a dialogue should be established between Hong Kong's senior civil servants and their counterparts in China.
- * The setting of an annual ceiling for land sales reflects an incomplete understanding of the way in which the Hong Kong Government disposes of land. The establishment of the Land Commission is welcomed as it has power to remove this ceiling when necessary.
- * The following land issues require further consideration:—
 - (a) a claw back arrangement should be devised in case the Hong Kong Government has to buy back PSPS property and dispose of the flats at a price below the fixed price; and
 - (b) a solution would have to be found by the Land Commission in case the complete redemption of Letter Bs cannot be achieved by 1997.

17. *Mr. Y. L. CHEUNG*

- * The drafters of the Basic Law should try to understand Hong Kong's complex systems, seek public views and should consult the District Boards for their advice.
- * It is very important to decide on the best selection process for the future Chief Executive and the legislature.
- * The following points should be clarified:—
 - (a) will the Chief Executive be empowered to issue military directives to maintain public order?
 - (b) will young men from Hong Kong be required to serve with the Chinese military forces?
 - (c) will citizens of Hong Kong be subject to state directions regarding their movements within China?

- (d) does the use of separate Memoranda to explain their respective positions on nationality mean that neither Britain nor China are willing to make a firm commitment?
- (e) in *bona fide* land sales made by indigenous villagers to new owners, will the new owners be given equal treatment with indigenous villagers over rentals for old schedule lots, village lots, small houses and similar rural holdings? and
- (f) how will the new rentals for agricultural land, which is at present not rateable and hence has no rateable value, be assessed?

- * Hong Kong people should make a contribution to the future by speaking out about the Agreement.
- * No agreement is better than a bad agreement, and this agreement is better than no agreement. Commends it to those who will be staying in Hong Kong after 1997.

18. *Mrs. Selina CHOW*

- * Against a background of "one country, two systems" linked by China's consistent national policy of economic growth, the Agreement is an acceptable and workable framework on which to build Hong Kong's future.
- * The power to dissolve the legislature should be vested in the Central Government and not in the Chief Executive.
- * There should be a Hong Kong input into the drafting of the Basic Law, a freehand for Hong Kong in its implementation and independence in its interpretation.
- * A Basic Law Advisory and Monitoring Committee consisting of Chinese people of international standing and reputation should be formed to advise on the drafting, implementation and subsequent amendments to the Basic Law.
- * China must give due consideration to the fear the people of Hong Kong have regarding the stationing of the PLA and possible abuse of power in the name of national security.
- * The Joint Liaison Group should include Hong Kong representatives.
- * There are grave doubts about China's understanding of the spirit of free enterprise in Hong Kong. Confidence can only be gained if China is seen to practise positive non-intervention in Hong Kong.

19. *Miss Maria TAM*

- * The Agreement includes adequate and detailed provisions to maintain Hong Kong's existing social and economic systems.
- * The concept of personal freedom and the legal proceedings for its protection must be preserved in the laws of the Hong Kong SAR.
- * Chinese military forces and other personnel stationed here should observe and abide by the laws of the Hong Kong SAR.
- * The laws of China and those of Hong Kong have different origins, as well as concepts. It is therefore important to ensure that the Basic Law will not contradict China's laws relating to special administrative regions.
- * The following points require clarification:—
 - (a) will the welfare institutions run by welfare agencies continue to exist?
 - (b) how can we ensure that the Basic Law will reflect the text of the Agreement?
 - (c) will the people of Hong Kong be consulted or allowed to participate in the drafting of the Basic Law?
 - (d) will citizens of the Hong Kong SAR be required to serve in the PLA?
 - (e) how can UK ensure that the new British passport will be internationally recognised?
 - (f) will Britain and China make use of the Joint Liaison Group to fight for Hong Kong's international trading status?
 - (g) what will be the nationality of those Hong Kong children born after 1997 who are not of Chinese descent?
- * Believes that Britain and China will fulfil the Agreement and the commitments set out in the Exchange of Memoranda.

20. *Dr. Henrietta IP*

- * The Agreement is a good one, better than anyone hoped. It is also an excellent compromise for all three parties concerned.
- * Understands that some anxieties remain, but points out that life is full of uncertainties anyway.
- * Hong Kong people must recover their confidence in themselves, in Hong Kong and in their future. They should not waste any more time and energy on the uncertainties of the future and should direct their energies to building up Hong Kong.

21. *Mr. Y. L. CHAN*

- * The effective implementation of the Agreement will depend largely on the effort and determination of China, Britain and Hong Kong.
- * An element that worries the people of Hong Kong is that a few visiting MPs have made some irresponsible comments about Hong Kong's future. It is hoped that the MPs will support the British Government in fulfilling its promises and in resolutely honouring its responsibilities and obligations.
- * The people of Hong Kong should contribute positively to the prosperity and stability of Hong Kong. A stable and prosperous Hong Kong is the best guarantee for the realisation of Hong Kong people's expectations.

- * The Joint Liaison Group should:—
 - (a) strictly confine its activities to those laid down in the Agreement. By doing so, China can demonstrate her basic policy of giving a high degree of autonomy to Hong Kong.
 - (b) strive to maintain the international agreements Hong Kong has entered into, to retain various economic and cultural relations, and to acquire international recognition of the travel documents held by Hong Kong people after 1997; and
 - (c) consider allowing Hong Kong people to participate directly in the arrangements for the transition.
- * An elected government should be established in Hong Kong by 1997, and it is time for those who wish to serve the territory to come forward.

22. *Mrs. Pauline NG*

- * In formulating the Basic Law, China should take in account the views and proposals of Hong Kong people on the Agreement.
- * A wide range of freedoms are guaranteed in Annex I of the Agreement. The Agreement is legally binding and it is hoped that through her link with the United Nations, China will continue to support the noble aim of promoting respect for human rights in every country.
- * Some of the reservations entered by Britain in respect of the application of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights to Hong Kong e.g. on universal suffrage and equal rights of employment for women in the Civil Service, should be removed.
- * The Hong Kong SAR should adopt a more democratic approach in formulating its education policies and should improve the existing consultative system in the field of education.
- * Freedom in the choice of education, including overseas education, and freedoms of the press and speech should be maintained.
- * The drafter of the Basic Law should consult the people of Hong Kong.
- * Transitional arrangements, e.g. on education, official language and political structure, should be gradually arranged.

23. *Mr. Peter POON*

- * The Agreement contains more details and assurances than expected. Both countries emphasise that it is binding and they have every intention of implementing it.
- * The Agreement provides for the preservation of basic rights and freedoms of the individual, financial autonomy for Hong Kong, continued employment of public servants, the freedom of travel and an elected legislature.
- * Warns that taxes may have to be raised substantially to compensate for the loss of revenue resulting from the new policy on the renewal of land leases, the limit on land sales and the sharing of premium income from land transactions.
- * In order to ensure genuine freedom of travel, the Basic Law should amplify that the meaning of "unless restrained by law" means the law as currently practised in Hong Kong.
- * The future political structure must be suitable for the unique position of Hong Kong, and radical changes introduced prematurely and hastily must be avoided.

24. *Mr. P. K. YEUNG*

- * Hong Kong people should voice their opinions on the Agreement so as to facilitate the drafting of the Basic Law.
- * The Hong Kong Government should double its training efforts particularly in regard to the use of Chinese and to prepare for Hong Kong's political future.
- * The Agreement clearly and specifically provides a healthy structure for Hong Kong people to plan and develop the territory's future.
- * The Basic Law must be formulated as soon as possible to put the heart of people at ease. Its formulation must be assisted by well-placed Hong Kong people who have a good understanding of the background to the Agreement.
- * Those who register as voters must make use of their right to elect capable people as their representatives.

25. *Dr. Kim CHAM*

- * The Agreement is detailed and comprehensive, and makes clear the unequivocal commitment of the British and Chinese Governments.
- * Both Governments should issue a joint statement to clarify specific provisions in the Agreement so as to remove any uncertainties arising from its interpretation.
- * For the effective operation of the future monetary system, it is necessary that:—
 - (a) the management and control of the Exchange Fund must be prudent in maintaining a mixed portfolio of currencies and instruments freely disposable in leading financial markets; and
 - (b) the future monetary system should be kept separate and distinct from the official fiscal system.
- * The essence of Hong Kong's economic drive will be its people's commitment to maintaining Hong Kong as a free and open economy which serves efficiently the Chinese and the global economies. The important elements are a flexible and adaptive private sector, low taxation and a non-coercive system of fiscal and monetary regulation.

26. *Mr. Keith LAM*

- * The Agreement has created a bright prospect for the continuation of stability, prosperity and development in Hong Kong. It should be an acceptable package to the people of Hong Kong.
- * The Agreement has satisfied the long-term and current interests of Britain and China. It also meets the primary interests of the Chinese and British people. Thus there is no cause to worry about its implementation.
- * The following points require clarification:—
 - (a) are there other provisions in the Chinese Constitution (other than Article 31) that would be applicable to Hong Kong or are relevant to the provisions of the Basic Law?
 - (b) specific arrangements should be made for "free-hold" land;
 - (c) would Chinese troops stationed in Hong Kong conscript their members from here?
 - (d) would Chinese troops stationed in Hong Kong be subject to Hong Kong law? Would they take up the responsibility of preventing illegal immigrants from entering Hong Kong?
 - (e) would China for any reason ever move local people out of Hong Kong? and
 - (f) in drafting of the Basic Law, would it be more advisable to enlist the help of those who assisted in the drawing up of the Agreement?

27. *Mr. Carl TONG*

- * Considers that:—
 - (a) Hong Kong's market position should not be affected by the change in sovereignty;
 - (b) the Agreement has taken account of Hong Kong's existing system in general;
 - (c) the Joint Liaison Group should include representatives from the "management" of Hong Kong; and
 - (d) Hong Kong people should be adequately informed and consulted throughout the transitional period.
- * Investors should remain confident in Hong Kong.
- * The following points require clarification:—
 - (a) the British Government, in conjunction with the Chinese Government, must clarify the status of the 10,000 non-Chinese BDTC Hong Kong citizens after 1997; and
 - (b) the Basic Law should include all necessary refinements to the Agreement.

A LIST OF ORGANISATIONS

I. Commerce/Finance/Industry

American Chamber of Commerce in Hong Kong, The
 Chinese General Chamber of Commerce, The
 Chinese Manufacturers' Association of Hong Kong, The
 Chinese Paper Merchants Association
 Employers' Federation of Hong Kong
 Federation of Hong Kong Garment Manufacturers, The
 Federation of Hong Kong Industries
 General Chamber, Commerce & Industry of the Tung Kun District
 Hong Kong & Kowloon Fruit & Vegetable Employees and Employers Guild, The
 Hong Kong & Kowloon Rice Retailers' General Association Ltd
 Hong Kong and Kowloon Electrical Contractors' Association Ltd
 Hong Kong and Kowloon Real Estate Association
 Hong Kong and Kowloon Tea Trade Merchants Association Ltd
 Hong Kong Association of the Pharmaceutical Industry, The
 Hong Kong Association of Travel Agents
 Hong Kong Cargo-Vessel Traders' Association Ltd
 Hong Kong Embroidery Merchants Association Ltd
 Hong Kong Factory Owners Association Ltd
 Hong Kong General Chamber of Commerce, The
 Hong Kong Housing Society, The
 Hong Kong Jewellers' & Goldsmiths' Association Ltd, The
 Hong Kong Kwun Tong Industries and Commerce Association Ltd
 Hong Kong Metal Merchants Association
 Hong Kong Native Products and Raw Material Merchants Association Ltd
 Hong Kong Photographic & Development Association Ltd
 Hong Kong Printers Association, The
 Hong Kong Shipowners Association Ltd, The
 Hong Kong Shipping Industry Institute
 IFPI (South East Asia) Ltd
 Indian Chamber of Commerce Hong Kong, The
 Insurance Council of Hong Kong, The
 Kiu Kong Chinese Merchants' Mutual Welfare Improvement Association Ltd
 Kowloon Chamber of Commerce
 Kowloon North Market Merchants Association Ltd
 Kwai Chung Commercial and Industrial Association Ltd
 New Territories Commercial & Industrial General Association, Ltd
 New Territories General Chamber of Commerce
 Radio Association of Hong Kong
 Sai Kung Chamber of Commerce
 Sharks Fin Trade Merchants Association
 Tai Po Merchants Association Ltd
 Tai Wor Hau Industrial Estate Factory Owners Association
 Tobacco Institute of Hong Kong Ltd
 Tsuen Wan Trade Association Ltd

II. Education/Professional Institutes/Social Welfare

Association of Chinese Medical University's Graduates, Hong Kong, The
 Association of Experts for Modernization, Ltd, The
 Association of Heads of Secondary Schools
 Association of Lecturers at Colleges of Education
 Association of Practitioners of Societies' Clinics Ltd
 Association of Pupils, Parents and the Teaching Staff of Pui Kiu Middle School, The
 British Medical Association (Hong Kong Branch)
 Chartered Institute of Transport (Hong Kong Section), The
 Chinese University of Hong Kong School of Education Alumni Association Ltd, The
 Chinese University of Hong Kong Students Union, The
 Cooley's Anemia Association of Hong Kong, The
 Council of the Law Society of Hong Kong, The
 EDP Management Club, Hong Kong Management Association
 Education Action Group
 Heung To Middle School Students' Union
 Hok Yau Club
 Hon Wah Middle School Old Pupils' Association

Hon Wah Secondary School Students, Parents and Teachers Association
 Hong Kong Association for Continuing Education, The
 Hong Kong Association of the Blind
 Hong Kong Council of Early Childhood Education & Services
 Hong Kong Council of Social Service, The
 Hong Kong Dental Association
 Hong Kong Economic Association
 Hong Kong Federation of Education Workers
 Hong Kong Institute of Architects, The
 Hong Kong Institute of Land Surveyors
 Hong Kong Institute of Planners
 Hong Kong Institute of Surveyors, The
 Hong Kong Institution of Engineers, The
 Hong Kong Journalists Association
 Hong Kong Medical Association, The
 Hong Kong Nurses Association, The
 Hong Kong Polytechnic Management Association, The
 Hong Kong Social Workers' Association Ltd
 Hong Kong Social Workers' General Union
 Hong Kong Society of Diagnostic Radiologists, The
 Hong Kong Subsidized Secondary Schools Council
 Hong Kong University Students' Union
 Hong Kong Vegetable Food & Grocery Hawkers Welfare & Fraternity Association Ltd
 Lok Sin Tong Yu Kan Hing Evening Secondary School Student Union
 Missions to Seamen & Apostleship of the Sea, The
 National Taiwan University Alumni Association
 Neutral Post
 Overseas Graduates Association
 Primary School Education Research Association (Hong Kong)
 Schools for Christ Foundation
 Tai Wai Village Youth Association
 Wah Kiu College Students' Union

III. Religious and Community Organisations

Alliance for the Democracy & Freedom of Hong Kong Preparative Committee Association for Democracy of Hong Kong Ltd, The
 Association for Democracy of Hong Kong Ltd (Kwun Tong Branch), The
 Association for Democracy of Hong Kong Ltd, The
 Association for the Advancement of Feminism
 Association of Natives of Hing Ning
 Autonomy for Hong Kong Working Committee
 Bonham Road Evangelical Church Ltd
 Chai Wan Christian Teachers & Preachers Association
 Chap Yick Clansmen's Association Ltd
 Cheung Chau Chiu Chow Association Co. Ltd
 Cheung Sha Wan District Kaifong Welfare Association
 Chi Fu Fa Yuen Yin Ngai Society
 Christian Industrial Committee
 Church of Christ in China (The Hong Kong Council), The
 Citizen Athletic Association, The
 Council of Hong Kong & Kowloon Kaifong Association Ltd, The
 Council of Hong Kong Indian Associations
 Federation of Chinese Territorial Natives Associations in Hong Kong Ltd
 General Association of Lo's Clansmen of Hong Kong Ltd, The
 Grace Ministries Ltd
 Hong Kong & Kowloon Joint Kaifong Research Council
 Hong Kong & Kowloon Kaifong Women's Association
 Hong Kong Affairs Society Ltd
 Hong Kong Belongers Association Ltd
 Hong Kong Buddhist Association, The
 Hong Kong Central Council of Catholic Laity
 Hong Kong Chew Lun Clansmen's Association Ltd
 Hong Kong Chung Ching Memorial Association Ltd
 Hong Kong Chung Yuen Hakka Association Ltd
 Hong Kong Forum, The
 Hong Kong Fung Clan Association, The
 Hong Kong Judo Association
 Hong Kong Lau Clansmen Association Ltd
 Hong Kong Lieh Shan Clansmen's Fraternity Association Ltd

Hong Kong Policy Viewers
 Hong Kong Residents of Sun Wui District To Yuen Village Association, Ltd
 Hong Kong Self Salvation Working Committee
 Hong Kong Times Readers' Association
 I Love Free Hong Kong Campaign Committee
 Joint Secretariat for Colloquium of Religious Leaders
 Kaifong Welfare Association of Wong Tai Sin Resettlement Estate Ltd
 Kaying Natives' Association Ltd
 Kiangsu Women's Association
 Kowloon Tsuen Wan San Tsuen St. Residents' Association
 Liberal Democratic Party—Hong Kong
 Liberty & Democracy Party
 Ling's Clansmen Association
 Meeting Point
 Mount Davis Kaifong Welfare Association
 New Territories Poems and Songs Club, The
 New Territories Young Men's Association Ltd, The
 Outstanding Young Persons' Association, The
 Reform Club of Hong Kong, The
 Sau Mau Ping Resettlement Estate Kaifong Welfare Association Ltd
 Sham Shui Po Kaifong Welfare Advancement Association
 Sun Yat-Sen Memorial Association of Hong Kong Ltd, The
 Tin Wan Estate Kaifong Welfare Association
 Tsuen Wan Hing Ning District Natives Welfare Association Ltd
 Tsuen Wan Morality Promotion Association
 Tsuen Wan Residents Association Ltd
 Tung Wah Group of Hospitals, Board of Directors
 Tze Wan Shan Kaifong Welfare Association Ltd
 United Chung Wah Martial Arts and Athletic Association Ltd, The
 Village Affairs Office Shung Ching Sun Tsuen
 Wai Chow Clansmen General Association (HK) Ltd, Peng Chau Branch
 Wanchai Kaifong Welfare Association (HK) Ltd
 Wong Tai Sin Community Health Promotion Association, The
 Yau Ma Tei Kaifong Welfare Association, Kowloon
 Yuen Tung Buddhist Monastery Peng Chau Hong Kong

IV. Trade Unions and Labour Organisations

Association of Building Services Engineers of Housing Department Hong Kong
 Association of Expatriate Civil Servants of Hong Kong
 Association of Government Nursing Staff
 Association of Public Works Department Inspectors and Clerks of Works
 Association of Purchasing and Supplies Officers
 Audit Department Examiner Grade Association
 Catering Trade Chiu Chow and Cantonese Workers Union
 Correctional Services Officers' Association
 Cotton Bleaching & Dyeing Free Workers Union
 Cotton Industry Workers General Union Hong Kong
 Dairy Products Beverage & Food Industries Employees Union
 DOE Local Staff Union, Hong Kong CSOS Local Staff Association, Army Department Civilian Staff Association, Local
 Civilian Staff Association (Navy) Hong Kong, MOD (Air) Civilian Staff Association
 Dried Bean Stick Trade Workers Union
 Dried Foodstuffs Workers' Association
 Eating Establishment Employees General Union
 Federation of Civil Service Unions
 Federation of Hong Kong & Kowloon Labour Unions, The
 Federation of Vegetable Marketing Co-operative Societies, Ltd, The
 Government Chinese Language Officers' Association
 Government Doctors' Association, The
 Government Local Civil Engineers Association, The
 Government Mechanical & Electrical Works Supervisors & Artisans Association
 Government Park & Playground Keepers Union
 Government Parks, Playgrounds and Environmental Hygiene Chinese Workers Association
 Government Recreation & Sport Service Staff Union
 Government School Non-Graduate Teachers' Union
 Government Statistical Officers Association
 Government Supplies Assistants Association
 Hong Kong & Kowloon Departmental Store Workers Association
 Hong Kong & Kowloon Mahjong Manufacturing Trade Workers General Union
 Hong Kong & Kowloon Painters & Sofa Furniture Works Union

Hong Kong & Kowloon Union of Workers in Wine, Spirit, Tinned Provisions & Food Shops, The
 Hong Kong Aero-Technical Personnel Free Union
 Hong Kong and Kowloon Cereals Rice and Subsidiary Foodstuffs Trade Workers Union
 Hong Kong and Kowloon Trades Union Council
 Hong Kong Chinese Civil Servants' Association
 Hong Kong Chinese Clerks Association
 Hong Kong Civil Servants General Union
 Hong Kong Federation of Trade Unions
 Hong Kong Fire Services Department Staffs General Association
 Hong Kong Government Executive Grade Association
 Hong Kong Government Medical Department Chinese Staff General Association
 Hong Kong Graziers Union
 Hong Kong Hair Dressing & Make-up Trade Workers General Union
 Hong Kong Immigration Service Immigration Assistants Union
 Hong Kong Ivory Manufacturing Workers General Union
 Hong Kong Kowloon Cane-Woven Ware Workers Union
 Hong Kong Leather Trade Workers Union
 Hong Kong Postal Workers Union
 Hong Kong Public Health Inspectors' Association
 Hong Kong Seamen's Union
 Hong Kong Union of Chinese Workers in Western Style Employment
 Housing Department Technical Staff Association
 Joint Organization of Unions Hong Kong
 Junior Police Officers' Association of the Royal Hong Kong Police Force
 Kowloon Motor Bus Workers General Union
 Labour Officers Association
 Medical & Health Department Hospital Administrators Association Hong Kong
 Merchant Navy (HKTC, HKP) Old Boys' Association, The
 Merchant Navy Officers' Guild—Hong Kong
 Nurses' Unit of the Hong Kong Chinese Civil Servants' Association
 Physiotherapists' Unit of the Hong Kong Chinese Civil Servants' Association
 Police Force Council Staff Associations
 Poultry Trade Workers Union
 Sai Yee Junk Builders Association
 Senior Non-expatriate Officers Association, The
 Staff Association of the Technical Education & Industrial Training Department, The
 Superintendents' Association Local Inspectors' Association Junior Police Officers' Association Expatriate Inspectors' Association
 Taxi Trade Drivers and Mechanics Free Union
 Union of Graduate Officers in Government Secondary Schools
 Union of Nursing Staff of the Tung Wah Group of Hospitals
 Urban Services Department Kowloon Workers General Union
 Urban Services Department Supervisory Staffs Union
 Woodwork Carvers Union, Hong Kong and Kowloon

V. Traditional/Residents' Organisations

Sun Hey Mansion Owners' Corporation
 Causeway Bay Central Area Committee
 Central & Western District Commercial Area Committee
 Central & Western District Mid-Levels (Central) Area Committee
 Central & Western District Mid-Levels (Western) Area Committee
 Central & Western District Sheung Wan (Western) Area Committee
 Central Commercial Area Committee
 Central Kwai Chung Area Committee
 Cha Kwo Ling Luen Hing House Mutual Aid Committee
 Cha Kwo Ling Wing Wah Building Mutual Aid Committee
 Cheung Chau Area Committee
 Cheung Sha Wan Area Committee
 Hang Hau Rural Committee
 Happy Valley Area Committee
 Hong Kong Sai Kung Rural Committee (North)
 Hung Hom North Area Committee
 Hung Hom & Tokwawan Owners Corporations' & Mutual Aid Committees
 Islands District Lamma Area Committee
 Kowloon District Residents' Association
 Kowloon Thirteen Villages Committee
 Kwai Chung West Area Committee
 Kwai Shing Area Committee
 Kwun Tong Fung King Building Owners' Corporation

Kwun Tong Industrial Area Committee
 Kwun Tong On Kei Court Kei Shun House Mutual Aid Committee
 Kwun Tong Ting Hong Area Mei Hing House Mutual Aid Committee
 Kwun Tong Town Centre Area Committee
 Kwun Tong Yuet Ming Building Owners' Corporation
 Lai Chi Kok & Un Chau Area Committee
 Lai Tak Tsuen Tak Chuen Lau Mutual Aid Committee
 Lai Wan Area Committee
 Lam Tin (North) Area Committee
 Lam Tin (South) Area Committee
 Lam Tin Block 16 Mutual Aid Committee
 Lam Tin Block 5 Mutual Aid Committee
 Lower Ngau Tau Kok Estate Block 10 Mutual Aid Committee
 Lower Ngau Tau Kok Estate Block 9 Mutual Aid Committee
 Ngau Tau Kok (East) Area Committee
 Ngau Tau Kok (West) Area Committee
 North Point East Area Committee & Healthy Village Stage III Mutual Aid Committee
 Peng Chau Rural Committee
 Ping Shek Area Committee
 Pokfulam Area Committee
 Pokfulam Court Owners' Corporation
 Pokfulam Tai Wan Sun Tsuen (East) Mutual Aid Committee
 Sai Kung North Rural Committee
 Sai Kung Po Lo Che Mutual Aid Committee
 Sai Kung Rural Committee
 Sai Kung Tai Chung Hau Village Mutual Aid Committee
 San Po Kong Industrial Area Committee
 Sau Mau Ping Area Committee
 Sau Mau Ping Block 28 Mutual Aid Committee
 Sau Mau Ping Block 40 Mutual Aid Committee
 Sau Mau Ping Estate Block 45 Mutual Aid Committee
 Shatin Town Centre Area Committee
 Sham Shui Po Sheung Li Uk Estate Block D Mutual Aid Committee
 Shap Pat Heung Rural Committee
 Shatin Chung Lam Court Lucky Plaza Mutual Aid Committee
 Shatin Fotan Cooked Food Market Mutual Aid Committee
 Shatin Fotan Cottage Area Mutual Aid Committee
 Shatin King Tin Court Bing Sam House Mutual Aid Committee
 Shatin King Tin Court Hang Sam House Mutual Aid Committee
 Shatin King Tin Court King Sam House Mutual Aid Committee
 Shatin Lek Yuen Estate Fook Hoi House Mutual Aid Committee
 Shatin Lek Yuen Estate Luk Chuen House Mutual Aid Committee
 Shatin Lung Hang Estate Wing Sam House Mutual Aid Committee
 Shatin Mei Lam Estate Mei Fung House Mutual Aid Committee
 Shatin Mei Lam Estate Mei Tao House Mutual Aid Committee
 Shatin Mei Lam Estate Mei Yeung House Mutual Aid Committee
 Shatin Pok Hong Estate Pok Man House Mutual Aid Committee
 Shatin Pok Hong Estate Pok Wah House Mutual Aid Committee
 Shatin Sha Kok Estate Bean Goose House Mutual Aid Committee
 Shatin Sha Kok Estate Osprey House Mutual Aid Committee
 Shatin Sui Wo Court Hing Wan House Mutual Aid Committee
 Shatin Sui Wo Court Fung Lin House Mutual Aid Committee
 Shatin Sui Wo Court Fung Yat House Mutual Aid Committee
 Shatin Sui Wo Court Fung Yue House Mutual Aid Committee
 Shatin Sui Wo Court Hing Sing House Mutual Aid Committee
 Shatin Sui Wo Court Wing Cheung House Mutual Aid Committee
 Shatin Sui Wo Court Wing Hing House Mutual Aid Committee
 Shatin Sui Wo Court Wing Mau House Mutual Aid Committee
 Shatin Sun Chui Estate Sun Fong House Mutual Aid Committee
 Shatin Sun Tin Wai Estate Fook Wai House Mutual Aid Committee
 Shatin Sun Tin Wai Estate Fu Wai Court Mutual Aid Committee
 Shatin Sun Tin Wai Estate Hong Wai Court Mutual Aid Committee
 Shatin Sun Tin Wai Estate Wing Wai House Mutual Aid Committee
 Shatin Tai Wai Hay Yuet House Mutual Aid Committee
 Shatin Tau Temporary Housing Area Mutual Aid Committee
 Shatin Tin Sum Valley Area Committee
 Shatin Wo Che Estate Hong Wo Building Mutual Aid Committee
 Shatin Yae Lam Court Mutual Aid Committee
 Shatin Yu Lam Court Mutual Aid Committee

Shatin Yue Shing Terrace Shing Yan Court Mutual Aid Committee
 Shatin Yue Tin Court Yue Kin House Mutual Aid Committee
 Shatin Yue Tin Court Yue Kwan House Mutual Aid Committee
 Shatin Yue Tin Court Yue Wo House Mutual Aid Committee
 Silver Garden Mutual Aid Committee
 Siu Lek Yuen Area Committee
 South Lantau Rural Committee
 Stanley & Shek O Area Committee
 Ta Ku Ling District Rural Committee
 Tai Hang & Sokonpo Area Committee
 Tai Hang Residents' Association
 Tai Po Rural Committee
 Tin Wan & Shek Pei Wan Area Committee
 To Kwa Wan Area Committee
 Tsim Sha Tsui Area Committee
 Tsing Yi Area Committee
 Tsuen Wan East, Tsuen Wan West and Tsuen Wan Rural Area Committee
 Tsuen Wan Kwai Tung Block 9 Mutual Aid Committee
 Tsui Ping Area Committee
 Tung Tau Area Committee
 Tung Tau Estate Block 20 Mutual Aid Committee
 Upper Wong Tai Sin & Fung Wong Area Committee
 Wah Fu Area Committee
 Wah Fu Estate Wah King House Mutual Aid Committee
 Wah Fu Estate Wah On House Mutual Aid Committee
 Wang Tau Hom Area Committee
 Wong Chuk Hang & Bays Area Committee
 Wong Chuk Hang Residents' Association, Mutual Aid Committees, Business Operators' Association
 Wong Tai Sin District Choi Hung Area Committee
 Wong Tai Sin District Choi Wan Area Committee
 Wong Tai Sin District Lok Fu Area Committee
 Wong Tai Sin District Ngau Tsuen Area Committee
 Wong Tai Sin District Tsz Wan Shan (East) Area Committee
 Wong Tai Sin District Tsz Wan Shan (South) Area Committee
 Wong Tai Sin District Tsz Wan Shan (West) Area Committee
 Yau Ma Tei East Area Committee
 Yau Ma Tei North Area Committee
 Yau Ma Tei South Area Committee
 Yau Tong Area Committee
 Yuen Long Pat Heung, Tai Kong Po, Cheung Kong Mutual Aid Committee
 Yuen Long Town South & Yuen Long Town North Area Committees
 Yuen Long Yau Tam Mei Village

EXPLANATORY NOTE ON TRADE UNIONS, TRADITIONAL BODIES AND THE RELIGIOUS COMMUNITY

Kaifong Associations

Kaifong Associations are traditional Chinese neighbourhood organisations concerned with the provision of social, recreational and emergency relief services to residents in an area.

Clansmen Associations

Clansmen Associations are traditional Chinese organisations formed to promote closer ties among persons with the same surname, or dialect, or from the same province or county.

Trade Unions

About 16% of the employed population belongs to trade unions in Hong Kong. These unions can be divided into 3 main groups:—

- (a) 92 unions affiliated to the Hong Kong Federation of Trade Unions who tend to support the policies of the People's Republic of China and represent some 50% of the unionised labour force of about 350,000;
- (b) 79 unions affiliated to the Hong Kong and Kowloon Trades Union Council who tend to support the policies of Taiwan and represent about 10% of the unionised labour force; and
- (c) independent unions (mainly civil service unions).

Religious Communities

There are many religious denominations in Hong Kong. Some $\frac{1}{2}$ million people are Christians i.e. Catholics and Protestants. More are Buddhists. In addition to spiritual counselling, these religious communities are actively engaged in education, health care and social welfare services.

SUMMARY INFORMATION ON OPINION SURVEYS

<i>Organiser</i>	<i>Approximate Date of Survey</i>	<i>Sample Size</i>	<i>General Acceptance of Draft Agreement</i>
<i>A. Household Survey</i>			
1. Survey Research Hong Kong Limited (SRH)	16.10.84 to 3.11.84	6,124 persons	Taking it as a whole, 81% believed the terms were good for the people of Hong Kong.
2. S.K.H. Lady MacLehose Centre	28.10.84 to 3.11.84	477 residents in Shek Lei Estate	36% were satisfied with it, 37% felt alright and 18% had no opinion.
<i>B. Telephone Survey</i>			
3. Hong Kong Standard	26.9.84	211 persons	67% of those who had heard of it thought it was "good news" for Hong Kong (20% had not heard of it).
4. Oriental Daily News	26.9.84	616 persons	23% found it totally acceptable and 75% found it acceptable but with doubts on some details.
5. Hong Kong Polytechnic Students Union	27.9.84	408 Hong Kong Polytechnic students	After it had been released, 37% said they were more optimistic about Hong Kong's future and 61% said it had not affected their confidence level.
6. Hong Kong Standard	27.9.84	158 persons	70% found it acceptable.
7(i) Oriental Daily News	27-29 September 84	151 persons	Proportionately more respondents who were contacted by the newspapers said it was acceptable.
(ii) Oriental Daily News	27-29 September 84	146 persons	Proportionately more respondents who phoned in said it was not acceptable.
8. Radio Television Hong Kong Phone-in Programme Talkabout	29.9.84	230 persons	64% thought most people would accept and had confidence in it.
9. Radio Television Hong Kong "Hong Kong This Week"	6.10.84	116 elected District Board members	97% found it acceptable.
10. Young Women's Christian Association Kennedy Town Social Service Centre	28-30 September 84	476 persons in Central and Western District	78% found it acceptable.
11. Hong Kong Polytechnic Students Union	20.10.84 to 26.10.84	232 Hong Kong Polytechnic students	96% found it acceptable.
<i>C. Self-administered Questionnaire Survey</i>			
12. Opinion Survey Committee—Wanchai District Board Unofficial Members	20.10.84 to 1.11.84	355 persons in Wan Chai District	52% were satisfied with it and a further 24% had no opinion.
13. Lingnam College Students Union	22-23 October 84	670 students in the College	94% found it acceptable.
14. Asbury Village Community Centre of Methodist Church	October 84	88 young members of the Centre and the Church	24% were willing to accept it and 52% accepted with reservations.

<i>Organiser</i>	<i>Approximate Date of Survey</i>	<i>Sample Size</i>	<i>General Acceptance of Draft Agreement</i>
15. Hong Kong Association for Continuing Education	October 84	5,068 persons attending the centres	14% accepted it unconditionally, 39% accepted it with reservations and 44% accepted it for want of a better alternative.
16. Hong Kong Federation of Youth Groups	October 84	2,542 young persons attending the centres	31% found it totally acceptable and a further 64% found it acceptable but with some reservations.
17. Yue Fai Court Residents' Association	October 84	56 residents in the block	75% were satisfied with it.
18. Shamshuipo District Board	Early November 84	651 persons in Shamshuipo District	68% were satisfied with it.
19. Yuen Long Town Hall Management Committee Limited	3.11.84	About 300 persons (mainly students attending a forum)	29% felt it could reassure the majority of Hong Kong people and a further 48% felt it could reassure half of Hong Kong people.

D. Street Poll

20. New Hong Kong Researchers Limited	5.10.84	4,616 persons	92% of those who understood it found it acceptable (27% did not understand it).
21. Caritas Social Centre (Aberdeen)	October 84	1,142 persons in Southern District	64% found it acceptable.
22. Caritas Social Centre (Central District)	22.10.84 to 2.11.84	496 persons in Central and Western District	55% found it acceptable while 39% had no opinion.

Report
on the Work of the
Hong Kong Government Assessment Office
by
the Rt. Hon. Sir Patrick Nairne, G.C.B., M.C., M.A.
and
the Hon. Mr. Justice Simon LI Fook-sean

Submitted to
the Secretary of State for Foreign and Commonwealth Affairs
Her Majesty's Government

24 November 1984

INTRODUCTION

1. On 18 July 1984, in a Written Parliamentary Answer, the Secretary of State for Foreign and Commonwealth Affairs announced the proposal to appoint a small independent team (the Monitoring Team) to monitor the work of the Assessment Office. The Answer explained that it was planned to set up the Office, under the authority of the Governor of Hong Kong, to collate and assess the views of the people of Hong Kong on whatever agreement was reached with the Chinese Government on the future of the territory. The terms of reference of the Monitoring Team are set out in Annex I.
2. We were appointed as the members of the Monitoring Team. We were accommodated in offices in the Supreme Court Building in Hong Kong at a convenient distance from the offices of the Assessment Office under the Commissioner, Mr. I. F. C. Macpherson, in another part of the same building. The Hong Kong Government provided one Senior Executive Officer, Mrs. Carrie Willis, and one Senior Personal Secretary, Miss Alice CHU, as our staff. We wish to record our appreciation of their efficient support.
3. We began work on Thursday, 27 September 1984, the day after the terms of the draft agreement on the future of Hong Kong had been announced and published in a White Paper, which refers in paragraph 32 to the Monitoring Team.

THE MONITORING ROLE

4. Our terms of reference required us "to observe the work of the Assessment Office in all its aspects" and to answer four specific questions:—
 - (a) Has the Assessment Office "discharged its duties" **properly**?
 - (b) Has it discharged them **accurately**?
 - (c) Has it discharged them **impartially**?
 - (d) In discharging its duties, has it **faithfully** followed the procedures presented in its terms of reference?
5. To some extent those questions overlap each other; we approached them as follows:—
 - (a) If the Assessment Office was to discharge its duties **properly**, it had not only to perform them **accurately** and **impartially**, but also to carry them out with the maximum efficiency on the basis of **faithfully** applied procedures. We needed to be satisfied, therefore, that the Assessment Office had made, and was operating, efficient arrangements for handling all the letters, submissions, and media material it received through the processes of receipt, registration, translation, photocopying, analysis, assessment and final disposal.
 - (b) We considered that the **accuracy** of the Assessment Office's work would need to be judged in the context of the analyses, assessments, and factual summaries it would have to make of all the material it received, and in particular of the "overall assessment of the extent of acceptance" of the draft agreement.
 - (c) We took the view that our role of observing, over a period of two months, "the work of the Assessment Office in all its aspects" should enable us to judge whether it had discharged all its duties **impartially** and had **faithfully** followed its prescribed procedures.

THE MONITORING PROGRAMME

6. In the light of this approach we set ourselves a monitoring programme which would enable us, in effect, to audit the day-to-day work of the Assessment Office. In order to assist us in our monitoring role, we included in the programme arrangements to witness (in the words of our terms of reference) "aspects of the exercise of consultation".
7. We were conscious of the delicate character of our 'audit' function. We had to keep in close touch with the Commissioner and his colleagues in the Assessment Office, so that we could scrutinise the material on which they were working and also raise any questions that we wished at those of their

meetings we attended. At the same time we had to avoid trespassing, in any way, on the proper preserves of the Commissioner and his staff. We are grateful for the cooperative way in which they gave us access to every aspect of their work, and to all the material contributing to the Assessment Office report.

8. We took care to ensure that our 'witness' function should not be misunderstood. As our terms of reference made clear, it was not for us either to "receive expressions of public views" or to attempt in our report "to assess public opinion" on the draft agreement. We were convinced, however, that our attendance, as witnesses or observers, at selected parts of the consultation process would enhance the credibility of our role, particularly in the eyes of Hong Kong; and that it would also help us to monitor more effectively the work of the Assessment Office.

9. We discharged our audit functions in the following way:—

- (a) As a first step we examined the organisation of the Assessment Office and the instructions to its staff, which we noted had been tested in a practice run in the middle of September; and we attended a presentation, arranged at our request, of the procedures which the Assessment Office planned to apply. We also made it our business to become acquainted with the individual members of the Office, and to observe, without interfering, how they were performing their duties.
- (b) Throughout the consultation period we carried out spot checks of the way in which the Assessment Office was implementing its procedures — that is, the processes of collecting the letters and submissions from P.O. Box 9000, of registering, translating, analysing and assessing them; and finally of disposing of them with the required safeguards for confidentiality.
- (c) We arranged to receive and scrutinise ourselves all the letters, submissions, media reports and articles received — as a basis for checking the accuracy and the impartiality with which the Assessment Office was making its daily analyses and assessments.
- (d) We attended, as observers, the regular meetings held twice a week by the Commissioner as a basis for reviewing progress and considering the latest batches of analytical assessments by the Assessment Office.

When the Assessment Office came to prepare its report, we arranged to see drafts at the appropriate stage for the purpose of raising any queries we wished and making a timely start with the drafting of our own report.

10. We discharged our witnessing function by attending a representative selection of the meetings at which the draft agreement was discussed — as set out in Annex II. The character and composition of these meetings were varied, enabling us to listen to a wide range of views coming from many different levels of the Hong Kong community. This experience gave us a direct and valuable insight into the reactions to the draft agreement which found more formal expression in the many submissions we have read from organisations and interest groups.

GENERAL OBSERVATIONS

11. Before setting out our Conclusions we wish to make two general observations about the conduct of the assessment task.

12. First, there had been no previous experience in Hong Kong of such a massive consultation and assessment exercise — of which the organisation and terms of reference had to be settled before the final outcome of the negotiations with the Chinese Government was known; and some difficulties were to be expected. There has been some sharp public criticism of the value of the assessment task, to which the Assessment Office itself could not reply; and, in the light of it, we believe that more should have been done earlier at the political level to explain, as well as to assert, the importance of consulting and assessing the views of Hong Kong on the draft agreement in all its aspects. It was clearly evident that a people traditionally reserved in political matters included many who were also disposed to doubt the value of commenting on the overall acceptability of a draft agreement which was not open to any amendment. Nevertheless, to those who have chosen to call the consultation and assessment task "a charade" or "a farce" we wish to say that their view was certainly not shared by the many Hong Kong people, in different parts of the community, whom we were able to hear discussing, with care and concern, the draft agreement as a whole and all its contents.

13. Secondly, the Assessment Office was a body without precedent. While maintaining our independence, we have closely observed it at work, watching and listening to its members as they discharged their functions. We have also shared in their experience of the public response to the draft agreement, and of the local reactions to the consultation and assessment tasks. We present in our Conclusions our considered judgment on the way in which the Assessment Office has discharged its terms of reference; but we would like to pay tribute here to the quality of the staff of the Office, and to the integrity and conscientiousness with which the Commissioner and all his colleagues have done their job.

CONCLUSIONS

14. We wish to record first that we are fully satisfied that the Assessment Office has performed its duties **impartially** — in the manner in which it had discharged its terms of reference as a whole, and in the balanced way in which it has assessed the views of those who are unwilling, as well as of those who are willing, to accept the draft agreement.

15. Paragraph 5(a) explained that the **proper** discharge of the Assessment Office's duties must largely depend upon following faithfully the procedures presented in its terms of reference. In the light of our audit functions, as described in paragraph 9, we judge that the Assessment Office has **faithfully** followed the prescribed procedures, and that efficient practical arrangements were made for that purpose.

16. But in the context of judging the **proper** discharge of the Assessment Office's duties we also need to consider the issue of confidentiality which is mentioned in paragraphs 1.9 and 2.22 of the Assessment Office report.

17. That issue received considerable local publicity: it needs to be seen in perspective. We noted that the Assessment Office received from the outset letters of criticism and rejection of the draft agreement, in which the writers disclosed their names and addresses. We accept, moreover, the Assessment Office's statement, in paragraph 2.22 of its report, that the "volume and content of response" from individuals before and after the Government announcement about the destruction of records "showed no change". But we also have to acknowledge that it is not possible to judge the extent to which the fear of eventual public disclosure of their names may have deterred those who would otherwise have submitted their views. Furthermore, whatever the practical implications of the issue, the disquiet ventilated in the Legislative Council and elsewhere in Hong Kong may have weakened public confidence in the assessment task at a time when it was already exposed to critical comment.

18. We do not believe that there is any evidence to show that the confidentiality factor had a damaging effect on the assessment task as a whole; but we also take the view that the public concern about confidentiality could have been avoided, and that the assurances and safeguards announced in mid-October should have been publicly conveyed at an earlier stage through the Assessment Office advertisement and in other ways.

19. To judge how **accurately** the Assessment Office discharged its duties has been the most important part of our task. As the letters and submissions were received, we were able to satisfy ourselves that they were accurately analysed and assessed by the Assessment Office. We have now considered the overall assessment of the extent of acceptance set out in Chapter 3 of the Assessment Office report, and we unreservedly endorse the conclusion in paragraph 3.1 that "most of the people of Hong Kong find the draft agreement acceptable".

20. But a judgment on the accuracy of a matter as complex as the views of the people of Hong Kong cannot be left at that. As Chapter 3 illustrates, an **accurate** assessment of "the extent of acceptance by the people of Hong Kong" involves a great deal more than a simple aggregation of the responses received from the many organisations and individuals that submitted their views; and we have been impressed by the quality of the detailed analysis of views and surveys which the Assessment Office has made in the short time available for preparing its report. Our only concern is that the succinct general conclusion in paragraph 3.1 and the subsequent paragraphs of detailed analysis may not readily convey the total perspective of Hong Kong's reactions to the draft agreement as they emerge from the report as a whole.

21. As independent Monitors, who have shared all the evidence available to the Assessment Office, we therefore wish to complement the overall assessment in the report with some final words of our own.

22. The principal vehicle of response has been the remarkable range of submissions from the many organisations of Hong Kong; they have conveyed an overwhelming message of acceptance—accompanied by an ‘agenda’ of reservations, qualifications and questions, as summarised in Chapter 4, to be clarified or resolved in the years ahead. The response of individuals has been supplementary; most of those who have chosen to write have done so because they had something to say as individuals. They have, sometimes in moving terms, conveyed a more personal message, which has added texture and colour to the message of the organisations.

23. In brief, their message is this. Nobody in Hong Kong can escape the uncertainties of the future: those who have, or can acquire, a ‘right of abode’ elsewhere will take personal precautions in the short term while hoping for the best in Hong Kong in the long term. The minority who reject the draft agreement do so either because they can never accept reunification with Communist China or because they are bitter about the consequences for themselves as British Dependent Territories Citizens. The majority who accept it do so chiefly because they regard reunification as inevitable and are relieved that the terms of the draft agreement are as good as they are.

24. But the verdict of acceptance implies neither positive enthusiasm nor passive acquiescence. The response to the Assessment Office has demonstrated the realism of the people of Hong Kong. They know that their future now lies in their own hands; and the widespread concern to be involved, as the Assessment Office report has highlighted, in the drafting of the Basic Law is a timely and important token of their wish to stand increasingly on their own political feet.

TERMS OF REFERENCE FOR THE MONITORING TEAM

The independent Monitoring Team has been appointed by the Secretary of State for Foreign and Commonwealth Affairs. Its role is to monitor the work of the Assessment Office appointed by the Governor of Hong Kong to assess and report on the views expressed by the people of Hong Kong on the draft Agreement between the Government of the People's Republic of China and Her Majesty's Government on the arrangements for the future of Hong Kong.

2. The tasks of the Monitoring Team are: -

- (a) to observe the work of the Assessment Office in all its aspects; and
- (b) to submit to the Secretary of State a report independently of the report of the Assessment Office, stating whether it is satisfied that the Assessment Office has properly, accurately and impartially discharged its duties and faithfully followed the procedures presented in its terms of reference.

The Monitoring Team will not itself receive expressions of public views or seek in its report to assess public opinion.

3. To enable it to carry out its task the Monitoring Team will at all times:--

- (a) have access to all material used in the assessment; and
- (b) be free to witness such aspects of the exercise of consultation and of the work of the Assessment Office as it may wish.

**WITNESSING OF ASPECTS OF THE CONSULTATION EXERCISE
MEETINGS ATTENDED BY THE MONITORING TEAM
AT WHICH THE DRAFT AGREEMENT WAS DISCUSSED**

The meetings listed below were attended by one or both of the Monitors

- I. *Legislative Council and Urban Council Meetings*

Legislative Council Meetings	26 September 1984 15 October 1984 18 October 1984
Urban Council Meeting	9 October 1984
- II. *Meetings of District Boards*

Central and Western District	4 October 1984
Kwun Tong District	4 October 1984 29 October 1984
Tsuen Wan District	9 October 1984
Tuen Mun District	12 October 1984
Wan Chai District	17 October 1984
Eastern District	18 October 1984
Sham Shui Po District	19 October 1984
Southern District	19 October 1984
Kowloon City District	25 October 1984
Yau Ma Tei District	26 October 1984
- III. *Meetings of Area Committees, Rural Committees, Kaifong Associations
(Local Resident Associations)*

North District Rural Committee Chairmen Justices of the Peace	11 October 1984
Kowloon Tong Ma Tau Wei Area Committee	12 October 1984
Mong Kok Tai Kok Tsui Area Committee	18 October 1984
Hong Kong and Kowloon Kaifong Research Council	30 October 1984
Council of the Hong Kong and Kowloon Kaifong Association Limited	31 October 1984
A Discussion Forum organised by the Mutual Aid Committees and Owners Incorporations in the Hung Hom and To Kwa Wan Areas	11 November 1984
- IV. *Meetings of Interest Groups, Professional Bodies, etc.*

The Hong Kong Polytechnic Student Union Seminar (Student Union)	6 October 1984
Council Meeting of the Society of Accountants (Professional Body)	16 October 1984
Meeting of the Christian Industrial Committee (Interest Group)	17 October 1984
Open Forum of the Hong Kong Medical Association (Professional Body)	23 October 1984
Joint Discussion of the Hong Kong Zonta Club (Women Association)	29 October 1984
King's College Old Boys Association Meeting (Student Alumni)	29 October 1984
Meeting of the Hong Kong Civil Service General Union (Trade Union)	2 November 1984
Meeting with the Vice-Chancellor and Senior Staff of the Chinese University	8 November 1984
- V. *Meetings were also held with the following offices to discuss the Monitors' role
and arrangements to assist them with their task*

Secretary for Home Affairs	28 September 1984
Secretary for District Administration	4 October 1984
Commander British Forces	5 October 1984
Secretary, General Duties	8 October 1984
Director of Information Services	10 October 1984
Secretary General, Office of Unofficial Members of the Executive and Legislative Councils	11 October 1984
Director of Broadcasting	24 October 1984

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